PB82-254152

A Study of State Fee Systems for Hazardous Waste Management Programs

Fred C. Hart Associates, Inc.
Washington, DC

Prepared for

Environmental Protection Agency
Washington, DC

Jul 82

U.S. Department of Commerce
National Technical Information Service
NTIS

United States
Environmental Protection
Agency

Office of Solid Waste
and Emergency Response

July 1982
SW-956

PB82-254152

Solid Waste

EPA

A Study of State Fee Systems for Hazardous Waste Management Programs

REPRODUCED BY
NATIONAL TECHNICAL
INFORMATION SERVICE
U.S. DEPARTMENT OF COMMERCE
SPRINGFIELD, VA. 22161

50272-101

REPORT DOCUMENTATION PAGE

1. REPORT NO.

2.

3. Recipient's Accession No.

4. Title and Subtitle

A Study of State Fee Systems for Hazardous Waste Management Programs

5. Report Date Publication: August 1982

6.

7. Author(s) Principal Author: Steven Albert (Fred C. Hart Assoc.)
Contributing Authors: Daniel Derkics & David O'Brien (USEPA)

8. Performing Organization Rept. No.

9. Performing Organization Name and Address

Fred C. Hart Associates
4th floor, Suite 410
1110 Vermont Avenue, N.W.
Washington, DC 20005

10. Project/Task/Work Unit No.

11. Contract(C) or Grant(G) No.

(C) 68-01-5133

(G)

12. Sponsoring Organization Name and Address

USEPA - Office of Solid Waste
State Programs Branch
401 M. Street, S.W.
Washington, DC 20460

13. Type of Report & Period Covered

Final: up to April 1982

14.

15. Supplementary Notes Prepared in cooperation with the Association of State and Territorial Solid Waste Management Officials; The National Conference of State Legislatures; The National Solid Waste Management Association; and the Governmental Refuse Collection and Disposal Association.

16. Abstract (Limit: 200 words)

Review of state user fee laws and regulation for state hazardous waste programs revealed that 20 states have user fee regulations in place and six more are in the process of being developed. Nine states are collecting user fee revenues totaling greater than 50 percent of the state's required match for their Federal hazardous waste program grant. Issues in state development and implementation of user fees for their hazardous waste regulatory control programs are featured. Includes detailed case studies of seven fee states. An appendix to the report briefly highlights the 13 other fee states. The report is not a guidance but a reporting of state experience with hazardous waste user fees to date.

17. Document Analysis a. Descriptors

State hazardous waste user fees; user charges; disposal charges; generator fees; hazardous waste facility fees; alternative funding mechanisms

b. Identifiers/Open-Ended Terms

c. COSATI Field/Group State Environmental Regulation

18. Availability Statement:

Release unlimited

19. Security Class (This Report)
Unclassified

20. Security Class (This Page)
Unclassified

21. No. of Pages

22. Price

(See ANSI-Z39.18)

See Instructions on Reverse

OPTIONAL FORM 272 (4-77)
(Formerly NTIS-35)
Department of Commerce

BIBLIOGRAPHIC INFORMATION

PB82-254152

A Study of State Fee Systems for Hazardous Waste Management Programs.

Jul 82

PERFORMER: Hart (Fred C.) Associates, Inc., Washington, DC.
Contract EPA-68-01-5133

SPONSOR: Environmental Protection Agency, Washington, DC. Office of Solid Waste.
EPA/SW956
Final rept.

Review of state user fee laws and regulation for state hazardous waste programs revealed that 20 states have user fee regulations in place and six more are in the process ces of being developed. Nine states are collecting user fee revenues totaling greater than 50 percent of the state´s required match for their Federal hazardous waste program grant. Issues in state development and implementation of user fees for their hazardous waste regulatory control programs are featured. Includes detailed case studies of seven fee states. An appendix to the report briefly highlights the 13 other fee states. The report is not a guidance but a reporting of state experience with hazardous waste user fees to date.

KEYWORDS: *Hazardous materials, *Regulations, *Fees.

Available from the National Technical Information Service, Springfield, Va. 22161

PRICE CODE: PC A06/MF A01

A Study of State Fee Systems For Hazardous Waste Management Programs

This report (SW-956) was prepared by Fred C. Hart Associates, Inc., Washington, D.C. under contract 68-01-5133. Publication does not signify that the contents necessarily reflect the views and policies of the U.S. Environmental Protection Agency, nor does mention of commercial products constitute endorsement by the U.S. Government.

An environmental protection publication (SW-956) in the solid waste management series.

U.S. ENVIRONMENTAL PROTECTION AGENCY
1982

PREFACE

EPA's Office of Solid Waste decided in November, 1981 to undertake a study to identify alternative methods (besides Federal and State general revenues) that States are using to fund their waste management programs. The report displays the results of the study done in close cooperation with the several State associations listed in the acknowledgements section of this report.

The use of general revenues to fund solid and hazardous waste management programs is clearly the method that is currently preferred by the States. Only three States were identified that are committed to not using general revenues. This study's efforts, therefore, are intentionally focused on the search for other funding alternatives that are being utilized by the States. Examination of State laws and regulations reveals that "user fees" is the only other method of funding that is currently being considered by the States on any widespread basis. This report is accordingly a study of State waste management programs that engage in the practice of charging user fees.

Because considerable confusion often surrounds the question of just what is a "user fee," it is important at the outset of this report to define terms. This study deals primarily with State user fees that are assessed as a part of State RCRA hazardous waste regulatory programs. This study does not examine in detail alternative funding mechanisms for solid (e.g., municipal) waste regulatory programs. However, the solid waste fees in the States of New Jersey, Wisconsin and Kentucky are briefly described in each of the case studies on these States. This report also does not address the several State "superfund" program fees that are currently being assessed to pay for the costs of remedial action site clean-up and post-closure care.

It should also be kept in mind that the State RCRA programs are relatively new programs and this includes their associated user fee systems. The user fee approaches represented in this report should not be accepted too quickly as representing the final decision of this subject by the State. Many of the programs that were visited in the study had just recently changed or were considering future changes. Some States indicated that if federal grant funding decreased significantly they would need to rethink their approach towards user fees. Like the rest of the State RCRA programs, the user fee systems are changing. In sum, this report should be considered only a "snapshot" of State user fees and not the final word of the subject.

It is important to understand what this report is intended to do and what it does not do. Its primary goal is to foster an objective exchange of accurate information between States concerning their experiences in the pursuit, development and implementation of alternative funding methods for State solid and hazardous waste regulatory programs. This report contains the latest knowledge of State initiatives and experiences in the user fee area. Its distribution to the States is intended to foster informed State decision-making concerning the feasibility and development of alternative funding mechanisms.

It is important to understand that this report does not include endorsements of any of the State alternative funding mechanisms presented. The report also does not provide recommendations as to what constitutes a "good" or a "bad" approach. In fact, States would be well advised to not use any of the approaches described within this report without first carefully considering the State context in which any approach is currently being implemented. Requesting funding for program support from the State fund will continue to be the most feasible approach in many States. Some States may decide it is simply not advantageous to establish or expand a State user fee mechanism similar to ones described in this report. It is believed, though, that this sharing of State experiences will be conducive towards more informed State decision-making concerning the feasibility of funding alternatives.

ACKNOWLEDGEMENTS

This report was prepared by Fred C. Hart Associates for the State Programs Branch of the Office of Solid Waste. The major effort by Fred C. Hart Associates was conducted by Steven Albert.

This study was conducted under the overall direction of Dan Derkics, Northern States Program Manager, Office of Solid Waste. Frank McAlister was the EPA Project Officer on the contract. David O'Brien provided the day-to-day technical assistance and guidance to the contractor in the conduct of this study. Richard Hopen and Rick Rutherford of OSW assisted in the conduct of the New Jersey and California case studies, respectively. Norman Willard, EPA Region I, conducted the administrative peer review of this study for EPA.

We would like to especially thank the following persons and organizations for their invaluable help during the conduct of this study. In particular, their guidance and identifying the issues discussed in Chapter 3 must be acknowledged:

- Mr. David Duncan of the Association of State and Territorial Solid Waste Management Officials (who also served as an additional administrative peer reviewer)
- Mr. Richard L. Hanneman of the National Solid Wastes Management Association
- Mr. H. Lannier Hickman of the Governmental Refuse Collection and Disposal Association
- Mr. Jonathan H. Steeler of the National Conference of State Legislatures

Finally, we would like to thank the various officials in State governments who cooperated in this effort; particularly those visited during investigation of the seven case studies. The contribution of these officials in providing or confirming the accuracy of the data presented in this report is greatly appreciated.

Table of Contents

		Page
Preface		i
Chapter I	Executive Summary	1
	Introduction	1
	Status of State Hazardous Waste Management Program Fee Implementation	1
	Issues	2
	Methodology	4
Chapter II	Status of State Hazardous Waste Management Program Fee Implementation	5
	Introduction	5
	Status of Fee Implementation	5
	Types of Fees Implemented and Criteria Used	8
Chapter III	Issues	17
	Introduction	17
	General Issues	17
	Implementation Issues	24
	Conclusions	30
Chapter IV	Case Studies of Seven States Implementing Hazardous Waste User Fees	31
	Introduction	31
	Case Study 1 - Ohio	32
	Case Study 2 - Lousiana	36
	Case Study 3 - Missouri	42
	Case Study 4 - Kentucky	46
	Case Study 5 - Wisconsin	49
	Case Study 6 - California	54
	Case Study 7 - New Jersey	58
Bibliography		63

Page

Appendices

A - NGA/ASTSWMO Survey Questions A-1
B - NGA/ASTSWMO Cover Letter B-1
C - Correlation of Program Size to Fee Implementation C-1
D - State Fee Mechanism Descriptions D-1

  Arkansas D-1
  Hawaii D-3
  Indiana D-4
  Kansas D-5
  Maryland D-7
  Massachusetts D-8
  Michigan D-9
  New Hampshire D-11
  Oregon D-12
  Puerto Rico D-13
  Rhode Island D-15
  Tennessee D-16
  West Virginia D-18

E - State Solid and Hazardous Waste Agencies E-1

List of Tables

Table 1 - Status of Fee Initiatives 6

Table 2 - State Fee Revenues 7

Table 3 - Types of Hazardous Waste Management Program Fees Currently Being Implemented by the States 9

Table 4 - Facility Fee Criteria 11

Table 5 - Transporter Fee Criteria 14

Table 6 - Generator Fee Criteria 15

Table C-1 - Relative State Program Size C-1

List of Figures

Figure 1 General Issues Are Not Associated With Specific Fee Mechanisms 18

Figure 2 Implementation Issues Are Associated With Specific Fee Mechanisms 25

Figure 3 Wisconsin Solid Waste Program Fee Schedule 52

Figure C-1 Correlation of Program Size to Fee Implementation C-2

Chapter I - Executive Summary

Introduction

This report presents a review of user fee mechanisms used by States to fund their hazardous waste regulatory programs. It was prepared for the Office of Solid Waste of the U.S. Environmental Protection Agency under Contract 68-01-5133. The information in the report is based on a review of State statutes and regulations, a "mail-out" to all the States, and case study visits to seven States. Fred C. Hart Associates conducted this study in cooperation with the Associations listed in the acknowledgements section and under the direction of the Office of Solid Waste. This effort was undertaken to determine which States have chosen to fund hazardous waste programs by supplementing or replacing grants or general revenues with fees levied on the regulated community. The focus of the report is on the State hazardous waste permitting and inspection programs and not on State superfund programs (i.e. long-term care or emergency response).

The reports shows that twenty States actually have begun to implement fee mechanism for their hazardous waste programs. Six more are in the process of setting up systems. Another nine are either considering or actively investigating the feasibility of a fee mechanism. User fees appear to be a highly acceptable way for States to raise revenue for hazardous waste programs. At the same time, the survey points up that 17 States have no fees for their hazardous waste regulatory programs and show no desire to implement them.

Status of State Hazardous Waste Management Program Fee Implementation

Study of the twenty States with fee systems now in place indicates that "larger" States (i.e., States with the largest amount of hazardous waste management activities) tend to implement hazardous waste program fees. Fees are assessed on generators, transporters or facilities in these States.

- o Collection Experience. States collect a wide range of fees. As a percentage of program costs, the range is from insignificant amounts to virtually full program funding.

- o Facility Fees. Ninety percent (18) of the twenty States with fees assess facility fees. Six criteria are used to segment facilities for the purpose of fee assessment:

    - Base Fees,
    - Commercial or On/Off-site Status,
    - Size,
    - Management Type,
    - Technology Type, and
    - Volume or Quantity.

  Monitoring and surveillance fees are charged by four States or 20% of the States with fees.

- Transporter Fees. Seventy percent (14) of the States with fees assess transporter fees. These are generally charged as base fees or per vehicle or in some combination.

- Generator Fees. Twenty-five percent (5) of the States with fees assess generator fees. There are three types of generator fees charged:

  - Registration,
  - Waste Generation Charge, and
  - Tipping Fees.

Issues

Two types of issues are identified in this report. General issues address the State decision to use fees, their purpose, potential impacts on State program goals and other matters not tied to specific fee mechanisms. Implementation issues address the arguments for and against specific fee mechanisms and their manner of implementation.

General Issues.

- Fee Purpose. Fees may be implemented to raise revenue to offset program costs. Fees may also be assessed to influence waste management practices.

- Impact on Program Enforcement. Fees can undermine enforcement by encouraging midnight dumping, by shifting wastes out of state, or by creating a conflict of interest on the part of the regulatory agency. Fees may enhance enforcement by weeding out less capitalized, often more poorly managed facilities.

- Setting Fee Levels. There are two approaches to setting fee levels. The "micro" approach determines costs for specific services and uses these costs to determine fees. The "macro" approach determines overall program costs and distributes them in charges to the regulated community. Some States set a percentage of these costs as the fee basis.

- Full or Partial Program Funding. All State programs with fees currently receive substantial EPA grant funding. Thus, no program solely funds all its activities with fees. But some "fully funded" States offset through fees an amount at least equal to its matching share of the Federal grant. Fees in "partially funded" States offset less (and sometimes insignificant) amounts of the matching share, for example, by only collecting fees for specific services.

- Fee Caps. Upper limits to fees may be set by statute. Legislatures may wish to "cap" fees to control the State agency or when the fee is considered a tax. Caps may have a significant impact on the ability to revise the fee levels if the revision requires statutory change.

- Cash Flow Considerations. The State may be interested in setting up a fee that either smoothes out payment of fees over time or clusters payments in one small time period. Neither system seems to directly affect State agency operations or use of appropriated funds.

- Tying the Fee to Specific Services. Most fees are presently tied to specific services, such as the permit application fee. Generator taxes or tipping fees are less tied to specific services. The less direct the relationship, the more complaints from industry concerning the equity of the mechanism.

- Projecting Receipts. Care should be taken in projected fee receipts. This is sometimes made difficult by policies that exempt portions of the overall community from fees. Resource recovery exemptions are a major cause of this problem. Accordingly, fees can cause changes in waste management practices in the State which skews projections. This is less of a problem in states that only seek to recover the costs of specific services and have programs augmented by general revenues.

Implementation Issues.

- Equity. This issue arises when the State segments the hazardous waste community in order to charge it different fees. Specific equity concerns are raised when on-site vs. off-site status, tonnage fees vs. surcharges, fixed fees vs. degree of hazard, and fixed fee vs. percentage issues are raised in the development of the fee mechanism.

- Efficiency. This issue is raised when considering costs of administering the fee mechanism. Different types of fees impose different costs in collecting revenues and verifying accuracy of fees paid. The ability to revise fee mechanisms may also vary greatly from having to amend the statute to including changes in the budgetary process. Some fee mechanisms encourage prompt payment, others result in chronic late payment. Certain fee mechanisms even enable some non-payment by those against which a fee is actually levied.

- Public Participation. Some States utilize industry task forces and workgroups to plan/develop/review fee mechanisms. Others rely solely on the legislative or rulemaking processes to get comment from the public and interested parties. There is some concern that if the fees are determined to be taxes, then a very lengthy public participation process will ensue.

Methodology

This study was begun in December, 1981. The first step was to review standard reference materials which compile State statutes and regulations. This review focused on hazardous waste authorities but also included solid waste, land use, siting and general environmental laws and regulations. This was done to identify any fee mechanism that would be assessed on the hazardous waste community and provided a first cut at identifying those states levying fees.

The second step updated this material by reviewing State applications for interim authorization submitted to the State Programs Branch of the Office of Solid Waste, and the files of the National Solid Wastes Management Association (NSWMA). This resulted in the identification of several more statutes and regulations.

These data have been confirmed through a nationwide follow-up survey of all of the States by the Association of State and Territorial Solid Waste Management Officials. This effort verified the previously collected data.

Finally, seven case studies were developed. Implementing States were chosen on the basis of unique aspects of their fee systems and experience in collecting significant fee revenues. These states were visited by either the contractor or EPA personnel. Data were collected on the following aspects of the fee programs in Ohio, Louisiana, Missouri, Kentucky, Wisconsin, California and New Jersey:

- Enabling Authority,
- Program Description,
- Description of the Fee Mechanism,
- Background in Development of the Fee Mechanism,
- Administrative Experience, and
- Summary of Program Highlights.

Chapter II - Status of State Hazardous Waste Program Fee Implementation

Introduction

This chapter provides a national summary of the status of State implementation of user fee mechanisms as part of their hazardous waste management regulatory control programs. It is divided into two sections: Section I reports generally on the status of State fee mechanism implementation. Section II provides a brief analysis of the types of hazardous waste fee mechanisms now being implemented in the States and the criteria used for setting fee levels. A detailed description of each State fee system is provided in the Case Studies (Chapter IV) or in Appendix D.

Where possible the national summary data is presented in a tabular format. This information should provide a useful perspective to State decision-makers considering new fee mechanisms or modification of the existing mechanisms in their States. The tables emphasize the identity of all fee types and their frequency of use in the States.

Status of Fee Implementation

(1) State Fee Initiatives. In addition to the review of State regulatory authorities and seven on-site State visits, data were solicited in a March, 1982 survey of all the States by the National Governor's Association (NGA) and the Association of State and Territorial Solid Waste Management Officials (ASTSWMO). Forty-six States and Territories responded to this NGA/ASTSWMO survey. All States with hazardous waste fee systems also verified the information contained in Appendix D of this report. Table 1 is based on the above data sources and provides a national summary of the status of the development of State hazardous waste fee mechanisms.

As can be seen in Table 1, page 6, in the near future 26 States and Territories will be using fees with their hazardous waste programs. Twenty (20) States and Territories have fees in place. Six (6) are in the process of developing fee programs or are actually drafting necessary regulations. Another eleven (11) States are either considering (debating or thinking about) fees or are actively investigating the feasibility of a fee system. Seventeen (17) States do not have fee systems for their hazardous waste regulatory programs and indicated (in the NGA/ ASTSWMO survey) that they would not be considered.

(2) State Fee Revenues. Data on fee revenues projected for FY82 are presented in Table 2, page 7. It is clear from the data that fee revenues represent widely varying percentages of hazardous waste management program needs.

Three States collect sufficient revenues to fully recover their matching share of the Federal hazardous waste program grant. Three other States collect very small or insignificant portions of their matching share.

Table 1
STATUS OF FEE INITIATIVES

	Fee Systems?	Comments		Fee Systems?	Comments
Alabama	No		Montana	No	Expect to
Alaska	No		Nebraska	No	Under investigation
American Samoa	No data		Nevada	No	System under dev.
Arizona	No		New Hampshire	Yes	
Arkansas	Yes		New Jersey	Yes	
California	Yes	Revisions proposed	New Mexico	No	System under dev.
Colorado	No	Reg. being drafted	New York	No	
Connecticut	No	Under Consideration	No. Carolina	No	
Delaware	No	System under dev.	North Dakota	No	Under investigation
District of Columbia	No		N. Marianas	No	
Florida	No	System under dev.	Ohio	Yes	
Georgia	No		Oklahoma	No	
Guam	No		Oregon	Yes	
Hawaii	Yes		Pennsylvania	No	System under dev.
Idaho	No	Under investigation	Puerto Rico	Yes	
Illinois	No	Under consideration	Rhode Island	Yes	
Indiana	Yes	Expansion under consid.	So. Carolina	No	
Iowa	No		South Dakota	No	
Kansas	Yes		Tennessee	Yes	
Kentucky	Yes		Texas	No	
Louisiana	Yes		Utah	No	Agency trying to get authorization
Maine	No		Vermont	No	
Maryland	Yes		Virginia	No	Under investigation
Massachusetts	Yes	Revisions underway	Virgin Islands	No data	
Michigan	Yes	Some fees to be phased out	Washington	No	May consider next yr.
Minnesota	No	Under consideration	W. Virginia	Yes	
Mississippi	No		Wisconsin	Yes	
Missouri	Yes		Wyoming	No	

Source: NGA/ASTSWMO Survey (March 1982)

Table 2

STATE FEE REVENUES
(As of April 1, 1982)

	FY 82 Hazardous Waste Program Budget		FY 82 RCRA Hazardous Waste Program Fees		
	Total	State Share	Revenue Collected	As a % of Total Program Budget	As a % of State Matching Share
Arkanasas	$ 347,669	$ 65,777	$ 20,000	6%	30%
California	7,686,012	4,384,628	4,384,628[1]	57	100
Hawaii	97,500	15,000	Very Minor	Very Minor	Very Minor
Indiana	1,172,587	293,147	Not Collected Yet	0	0
Kansas	504,100	135,000	80,000	16	59
Kentucky	872,883	149,805	87,000[2]	10	58
Louisiana	2,000,000	960,000	900,000	45	94
Maryland	564,000	300,000	300,000	53	100
Massachusetts	1,547,000	803,000	18,000	1	2
Michigan	2,277,664	569,632	*	*	*
Missouri	797,082	147,082	208,100	26	100
New Hampshire	531,000	325,000	*	*	*
New Jersey	1,981,929	740,520	200,000[3]	*	*
Ohio	3,123,540	953,592	558,000[2]	18	59
Oregon	599,285	127,211	76,128	13	60
Puerto Rico	720,302	233,827	Insignificant	Insignificant	Insignificant
Rhode Island	271,884	235,000	Not Collected Yet	0	0
Tennessee	1,839,000	768,000	495,000[4]	27	64
West Virginia	792,000	198,000	*	*	*
Wisconsin	1,055,300	263,843	70,000[5]	7	27

*Data Not Available

Notes

[1] Agency budget proposed for next fiscal year includes expected fee revenue of $7.8 million. See Case Study.

[2] Annualized estimate based on Case Study analysis.

[3] Includes solid waste fee revenue.

[4] No fees collected yet. This is the expected revenue for the fiscal year with collections starting in April 1982. In FY 83 the portion funded by fees is expected to increase to 40% of total program funding.

[5] No fees collected yet. Expected yearly hazardous waste revenues.

Sources: NGA/ASTSWMO Survey, March 1982
U.S. Environmental Protection Agency
Individual States

With respect to total program costs, three States recover more than 50%. Seven States recover 10% or less of total program costs. Four States had not collected any revenues as of April 1, 1982 though two were able to provide revenue estimates for FY82.

(3) State Fee Implementation. Table 3, page 9 summarizes the types of fee mechanisms that are in place in the twenty States that have fees. The columns of the table describe the general types of fees being implemented and each of them is discussed in more detail following the tables.

As displayed in the table, facility fees (the first 4 columns) are by far the most popular with eighteen of the twenty States implementing them. Fourteen States charge transporter fees. These fees include general charges on a firm-by-firm basis as well as per vehicle charges. Twelve State programs charge permit renewal fees.* Five States directly charge generators or charge generators a "tipping" fee collected by a facility operator and forwarded to the State. Three States charge monitoring and surveillance fees for inspections related to permit application reviews or related to an on-going facility monitoring program. Three states charge other types of fees.

It is important to note that no state charges all the fee types. However, Arkansas assesses six fee types and Missouri and Puerto Rico assess four each. The most common mixture of fee combinations (five states) is: permit application, permit/license renewal and transporter fees.

Types of Fees Implemented and Criteria Used

(1) Facility Fees. Table 3 showed what types of fees are currently being charged in the states. They were classified primarily according to what portion of the regulated community is being assessed the fee. The first 4 columns in Table 3 represent the types of state fees charged to hazardous waste treatment, storage and disposal (TSD) facilities and are broadly described as follows:

- Permit Application/Facility Construction - The assessment and collection of these fees are typically tied to the issuance of State permitting/approval of TSD facilities. Conceptually, these fees can be seen to fully or partially reimburse the State for costs incurred from services provided during the permit review or construction approval process.

- Permit Modification Fee - As the name suggests this type of fee is assessed for modifications in the permit requested by the permittee. The fee would fully or partially reimburse the State for processing the modification.

---

*This number is somewhat misleading. Many states have annual permits and therefore do not need to specify permit renewal fees.

Table 3

TYPES OF HAZARDOUS WASTE MANAGEMENT PROGRAM FEES CURRENTLY BEING IMPLEMENTED BY THE STATES

	FACILITY FEES				TRANSPORTER FEES	GENERATOR FEES			OTHER FEES
State	Permit Application/ Facility Construction	Permit Renewal or Annual Operating Fees	Permit Modification Fee	Monitoring Surveillance Fee		Tipping Fee	Registration	Waste Generation Fee	
1. Arkansas	X	X	X	X	X				X
2. California					X	X			
3. Hawaii	X								
4. Indiana					X				X
5. Kansas	X			X	X				
6. Kentucky	X		X				X		
7. Louisiana	X	X							
8. Maryland	X	X							
9. Massachusetts	X				X				
10. Michigan	X	X			X				
11. Missouri	X	X			X	X		X	
12. New Hampshire	X	X			X				
13. New Jersey	X			X	X				
14. Ohio	X	X			X	X			
15. Oregon	X			X					
16. Puerto Rico	X	X	X		X				X
17. Rhode Island	X	X			X				
18. Tennessee	X	X			X				
19. West Virginia	X	X							
20. Wisconsin	X	X			X				
Number Implementing	18	12	3	4	14	3	1	1	3

Source: Fred C. Hart Associates, June 1982

- Renewal Fee or Annual Operating Fee - These fees reimburse the State for activities associated with deciding to renew a permit or reissue an operating license. They are usually set lower than the permit application/facility construction fees.

- Monitoring/Surveillance Fee - These fees reimburse the State for inspections or monitoring activities. They may be for site evaluation prior to permit issuance or for compliance monitoring.

The States are now using six criteria to establish the amount of fees charged under the different types of facility fee mechanisms:

- Base Fee,
- Commercial or On/Off-Site Status,
- Size,
- Management Type,
- Technical Type, and
- Volume or Quantity.

Table 4, page 11 provides a tabulation of the usage of these fee-setting criteria in the States that charge facility fees. The following discussion describes each of these facility fee-setting criteria in more detail.

Base Fees. Twelve States charge a facility fee that is based on this criterion. The fee itself may be called a permit application fee (Maryland), site fees (Lousiana), filing fees (Puerto Rico) or some other name. However, the fee levels established under this criterion are minimum charges for permit application submittal. All States utilizing a facility fee mechanism at least charge this fee amount. It may be the only charge (Hawaii) or a base amount which other charges based on other criteria are added (Louisiana and Puerto Rico). No State uses the base fee and management type criteria together.

Commercial or On/Off-Site Status. Seven States use this criterion to establish fee levels. One approach is to define facilities as either commercial or non-commercial. This allows the State to make a distinction between generator-owned and commercial off-site facilities. Generator-owned, off-site facilities which accept wastes from other generators are considered commercial facilities. Five States use the criterion in this manner. Another approach is to define facilities as on-site or off-site. Three States use this criterion in this fashion (Louisiana, Ohio, and Puerto Rico). In States where surcharges are levied, such as Ohio, off-site means commercial facilities only. This fee can only be levied at facilities where the generators are charged a fee for waste disposal. This would not happen at a generator-owned, off-site disposal facility.

Table 4
FACILITY FEE CRITERIA

	State	Base Fee	Commercial or On/Off-Site Status	Size	Management Type	Technology Type	Volume or Quantity
1.	Arkansas	X	X	X		X	
2.	Hawaii	X					
3.	Kansas	X					
4.	Kentucky				X		
5.	Louisiana	X	X				X
6.	Maryland	X					
7.	Massachusetts	X					
8.	Michigan	X				X	X
9.	Missouri			X	X		
10.	New Hampshire				X		
11.	New Jersey	X		X			
12.	Ohio	X	X	X	X	X	
13.	Oregon				X		
14.	Puerto Rico	X	X	X		X	X
15.	Rhode Island	X					
16.	Tennessee	X	X	X		X	
17.	West Virginia		X	X			
18.	Wisconsin					X	
	Number Implementing	12	6	7	5	6	3

Source: Fred C. Hart Associates, June 1982

Size. This criterion is also used by seven States to establish facility fee levels; primarily based on size in acres. New Jersey and West Virginia define size based on "major" and "minor" facility classifications. West Virginia establishes fee levels for both classifications and New Jersey assesses a receipts tax on major facilities only. Louisiana uses the size criterion most extensively, levying fees based on site size, numbers of facilities, and volume of waste handled. Kentucky indirectly includes the size criterion by requiring individual permits for each facility on the site.

Management Type. Five of the eighteen States with facility fees use this criterion to establish the fee amount. This criterion distinguishes facility fee levels by the broad "qualitative" categories of: treatment, storage, disposal, and reuse/recycle. Different states use one or up to all of the categories. The storage category is more often exempted, the treatment category is exempted less often. Land disposal is always used when only one or a few categories are used. No State under this criterion further subcategorizes fee assessments according to the specific type of technology used at the facility. Again, no State uses both the base fee and management type criteria.

Technology Type. Six States use this criterion in establishing facility fee levels. It ties into the particular management technology used at the facility: e.g., landfills, deep well injection, land application, incineration, surface impoundment. It is used together with the management criterion only in Ohio; there it is set up to require only land disposal facility fees. State fee levels established using this criterion are different for landfills and deep wells. Michigan sets technology type fee levels based on the types of waste emissions (air, surface water or groundwater) expected. Puerto Rico utilizes this criterion the most, distinguishing fee levels based on such technologies as biological treatment, thermal treatment, pyrolysis and others. It should be noted that together, management or technology type criteria are used by eleven states. This makes segmentation by the kind of waste management activity the second most prevalent type of fee setting criterion.

Volume or Quantity. Three States use waste volume or quantity for determining fee level. Michigan uses projected waste quantities, Louisiana uses actual quantities disposed and Puerto Rico uses facility capacity to set some of their fees. Michigan and Puerto Rico charge fees before facility operation, based on projections in facility plans. Louisiana uses actual disposal records in establishing fee levels in the annual facility maintenance permit.

(2) Transporter Fees. Fourteen States levy fees on transporters. This makes transporter fees the second most popular fee type. Four criteria were identified:

- Base Fees;
- Per Vehicle Fees;
- Inspection; and
- Quantity of Waste Transported.

Table 5, page 14, provides a tabulation of this data. The following discussion provides more detail on the transporter fees criteria.

Per Vehicle Fees. Nine States utilize this criterion, making it the most prevalent. Using this criterion, the State assesses a charge on each vehicle used to transport hazardous waste. Six States simply charge each available vehicle regardless of what portion of the vehicle's annual load is hazardous waste. Two States, Michigan and Missouri, have modified the criterion and assess fees based on the effective number of vehicles in a transporter's fleet that carry hazardous waste. In other words, if one-half of a vehicle's annual load is hazardous waste, it is counted as ½ vehicle in the fee assessment. These States' transporter industries have significant numbers of large common carrier fleets and hazardous waste transport is a small part of any one vehicle's load over the year.

Base Fees. Eight States utilize this criterion. Base fees are charged to each transportation firm and are independent of the number of vehicles used. Five of the States, Arkansas, Kansas, New Hampshire, Wisconsin and Puerto Rico use only this criterion.

Other Basis. Two States utilize other criteria to assess transporter fees. Tennessee levies its fee on the quantity of wastes carried by the transporter. California levies its fee for annual inspections of vehicles which are required for certification.

Other Considerations. Transporter registration is not always handled by the hazardous waste agency. It is often the responsibility of the agency that normally handles vehicle registrations: a Division of Motor Vehicles, or Public Safety or Public Utility Commission. For example, California's Highway Patrol administers that State's inspection fee.

(3) Generator Fees. The survey identified four States which utilize generator fees: California, Kentucky, Missouri and Ohio. These States use three different types of fees. Generator fee data appear in Table 6, page 15.

Tipping Fees. Tipping fees are charges assessed at the off-site facility which are paid by the generator. The facility collects the fees "as a trustee of the State" and forwards the receipts to the State agency. In Ohio a surcharge is added onto the generator's bill. In California a charge is levied on the off-site facility based on tonnage received, but the statute is clear that it expects this to be passed on directly to the generator. Tipping fees are very popular in solid waste programs but apparently are not as popular in hazardous waste programs.

Table 5
TRANSPORTER FEE CRITERIA

State	Per Vehicle Charge	Base Fee	Other Basis
1. Arkansas		X	
2. California	X	X	Inspection
3. Indiana	X	X	
4. Kansas		X	
5. Massachusetts	X		
6. Michigan	X		
7. Missouri	X		
8. New Hampshire	X	X	
9. New Jersey	X		
10. Ohio	X	X	
11. Puerto Rico		X	
12. Rhode Island	X		
13. Tennessee			Quantity of Waste Transported
14. Wisconsin		X	
Number Implementing	9	8	2

Source: Fred C. Hart Associates, June 1982

Table 6
GENERATOR FEE CRITIERIA

State	Tipping Fee	Registration	Waste Generation Fee
1. California	X		
2. Kentucky		X	
3. Missouri	X		X
4. Ohio	X		
Number Implementing	3	1	1

Source: Fred C. Hart Associates, June 1982

Registration Fees. Kentucky requires generators to pay an annual registration fee based on the amount of hazardous waste to be generated. Beside generating revenue, this type of charge can provide reasonably accurate data on waste generation in a state. Such information helps with receipt projections from other fees as well as other aspects of the program.

Waste Generation Fee. This type of fee is a tax on hazardous waste generation. It is assessed directly on the generator. Missouri sets a one dollar per ton charge with a maximum annual assessment of $10,000.

(4) Other Fees. Indiana and Puerto Rico assess other fees as well. Indiana assesses a fee for training. Receipts are used to train local government personnel in the skills and knowledge it is necessary to have when a disposal facility is in the jursidiction. The training includes emergency response, clean-up, safety considerations and other matters. Puerto Rico charges fees for lost permits, duplicate permits, testing and ownership transfer. Arkansas requires the use of State-issued manifest forms for wastes managed within the State. A $2.00 fee per form is charged.

Chapter III

Issues

Introduction

Two types of issues are identified in this report. General issues address the State decision to use fees, their purpose, potential impacts on State program goals and other matters not tied to specific fee mechanisms. Implementation issues address the arguments for and against specific fee mechanisms and the manner of implementation of these mechanisms.

General Issues

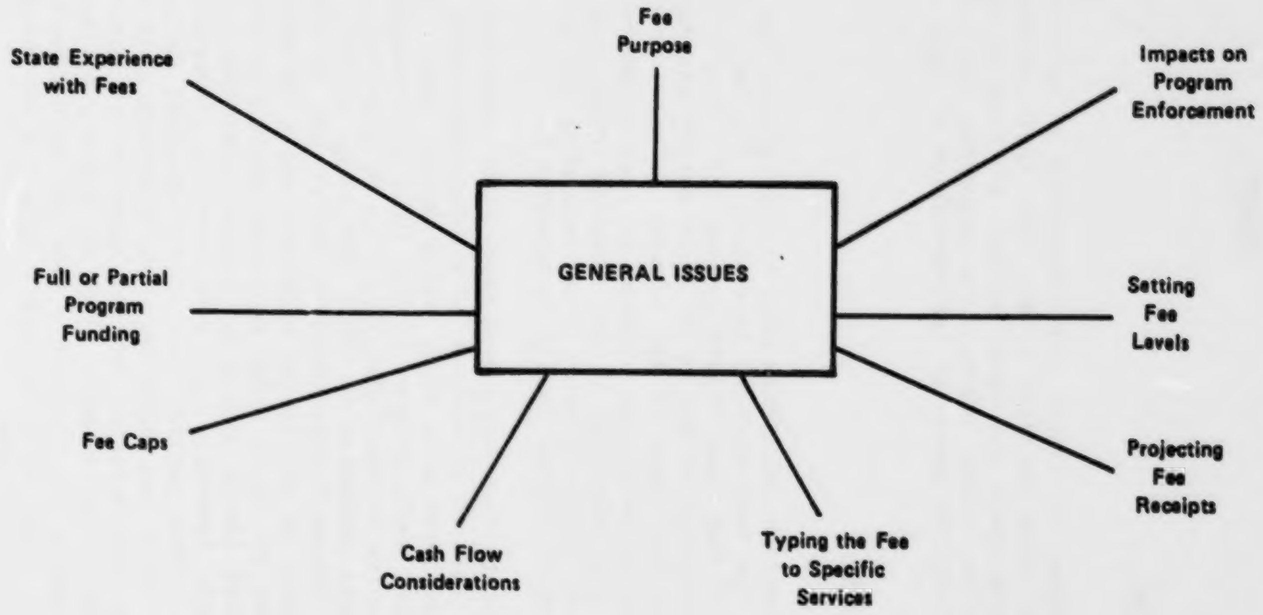
This section introduces many of the factors that influence the decision to utilize the fees approach in a State. The factors are not tied to specific types of fees (see Figure 1, page 18). This section does not provide a model or guidance on how to go about making the fees/no-fees decision but rather describes some of the broader policy issues that may impact such decision-making (e.g., the purposes of fees in general). Knowledge of these issues is also essential to get a better understanding of the policy decisions and distinctions being drawn regarding the State fee mechanisms that are reported in Chapter IV and in Appendix D.

(1) State Experience With Fees. An important factor in considering the broad question of whether to use hazardous waste management fees is the State's experience with other environmental fees. The question of whether the hazardous waste program is the first environmental program to implement a fee mechanism in the State appears to be significant. Based on a comparison with data presented in OSW's 1979 study entitled: "USER FEES: A State Regulation Survey," approximately 75% of the 29 states represented in the present report as developing hazardous waste fee mechanisms already had one or more fees in air or water pollution control programs in 1979. This data suggests that the existence of another environmental fee mechanism in the State impacts favorably upon consideration of whether to develop hazardous waste fees. This implies that it is important to take note of the State's philosophy about and experience and knowledge with other fees (or lack of it) during consideration of the question of hazardous waste management program fees. For example, lack of State experience with fees in these other programs might indicate a need for more careful study and the education of key State decision-makers before a decision to develop hazardous waste fees could be made.

(2) Fee Purpose. Two purposes for fee mechanisms were identified in this study. One purpose is to provide funds for the regulatory program. The second purpose is to implement policy or influence practices in the regulated community.

Figure 1

GENERAL ISSUES ARE NOT
ASSOCIATED WITH SPECIFIC FEE MECHANISMS


Fee Purpose
State Experience with Fees
Impacts on Program Enforcement
GENERAL ISSUES
Full or Partial Program Funding
Setting Fee Levels
Fee Caps
Projecting Fee Receipts
Cash Flow Considerations
Typing the Fee to Specific Services

Source: Fred C. Hart Associates, June 1982

To Provide Funding. The most commonly understood purpose of a fee approach is to provide revenues to the State program. When considering the fees question a State must first address whether it should utilize them (and to what level) to replace or supplement general revenue funding. In general, the survey and case studies found that each State has its own philosophy concerning the use of fees in the funding of its hazardous waste program.

On one hand it can be argued that a hazardous waste program benefits all of the State's citizens and industry and therefore all should pay for it through appropriations from general fund revenues. This is a position that has been argued in Texas, for example. The counter argument is "the polluter should pay" and fees, therefore, should be assessed to recover the cost of the program's service to the regulated community. They further point out that economic theory tells us that the cost of the fee will be passed back to the consumer of the goods, the manufacturer of which generated the waste, and ultimately to consumers of his goods and services so that all who benefit from the goods pay their shares. Each State has its own philosophy on this matter.

Another funding purpose of a fee can be to gather revenues from hazardous waste sources which are normally outside of the State's taxing authority. Noting the highly transportable nature of hazardous waste, charging a "tipping fee" (a charge assessed at the point of disposal) for out-of-state wastes has been seen by States as a method to pass back to out-of-state generators the State's costs for maintaining a regulatory program to control those wastes.

This purpose of a fee mechanism was explained in recent testimony in New Jersey for a tipping fee. Almost half (40%) of the solid and hazardous waste disposed of in New Jersey is generated elsewhere and shipped into the State for disposal. The State attempted to ban importation of wastes but this ban was overturned by the Supreme Court. The purpose of a tipping fee was therefore identified to fund that "portion" of the program regulating the wastes of the out-of-state generators who do not contribute to the New Jersey general fund through corporate taxes. The levying of tipping fees was argued in this case as offering an appropriate mechanism to tax those out-of-state generators whose wastes were controlled by the in-state regulatory program.

To Influence Waste Management Practices. Another major purpose of levying fees is to stimulate certain directions and developments in waste management practices and technologies. Imposition of fees can encourage certain management practices. Through the levy of a smaller fee or no fee at all, hazardous waste treatment or resource recovery practices can be made more economically attractive in comparison to other management techniques (e.g. disposal of hazardous waste in landfills) if these other practices are charged a higher fee by the State. Missouri is an example of one of several "fee States" not requiring a fee of hazardous waste resource recovery operations as an incentive to encourage such practices.

Other States appear to be exempting or charging lower fees to generators managing their own hazardous wastes on-site. One purpose of this fee approach may be to encourage generators to assume full responsibility for managing their own waste streams on-site.

Conversely, another purpose of a fees approach can be to provide a disincentive and thereby diminish certain hazardous waste management practices. Charging fees and setting them at high levels can make land disposal of hazardous waste a much less attractive technology option in the State. This is the approach being used in California. Fees might also provide a sufficient disincentive to cause manufacturing processes to be changed so that they reduce or eliminate the generation of the hazardous waste.

Careful consideration should be given to intentionally imposing a fee mechanism in order to provide an incentive that would impact certain waste management practices. It is possible that the use of fees could have unintended effects. For example, a fee approach designed to encourage on-site management (e.g., a high fee being charged to off-site commercial facilities) might also cause an unintended impact on small businesses since they often utilize the off-site commercial sites. Small business may not generate enough waste to economically manage the waste on-site.

The use of fees could also encourage a migration of wastes out of the State to a non-fee State. Charging no fee might encourage the in-migration of wastes from a neighboring fee State. At least one State was reported to have withdrawn a proposed fee from consideration because of the disruptive effects that were believed might result in the State's commercial hazardous waste industry because of the expected out-migration of wastes to a non-fee neighboring state.

One final cautionary remark should be made concerning the use of fees as disincentives for certain hazardous waste management practices. Too great a fee disincentive might eventually result in the relocation of industry to a non-fee State rather than an expected change in management practices. The use of hazardous waste fees is too new to produce any evidence of such decisions on the part of industry.

(3) Impacts on Program Enforcement. An important consideration with fees is whether they are used to undermine or support the program's enforcement process. There is a variety of opinion on this subject that should be considered.

Officials in one State expressed concern that use of a fee mechanism might work counter to a program's regulatory enforcement goals by encouraging operators to find ways (both legal and illegal) to get out of the regulatory system to avoid the fees. Fees are accordingly seen as an additional incentive for "midnight dumping." The only response to these concerns is that the States with fees in place did not mention this result to be actually occurring.

Another consideration concerning a fee mechanism is how it may create a conflict-of-interest for the enforcement program. Fees are argued by some to undercut a program's independent regulatory role because the fees "pay the salaries of the regulators," (i.e., the program may not be likely to bite the hand that feeds it). The opposing view to these concerns is the programs now charging fees do not receive the funds directly and still remain accountable to the legislature.

Finally, fees are also considered to be supportive of enforcement purposes in some States. Industry spokesmen in one State expressed support of the State's high fee levels as a screen to keep "unqualified operators out of the business." This State's high permit fees for commercial facilities are seen to assure that the only applicants that would apply for permits in the State are those capable of paying the fee and meeting the regulatory requirements. The lower fees for on-site facilities are also seen to be supportive of an enforcement stance that these facilities have caused few "problems" in the past.

(4) Full or Partial Program Funding. An initial concern in implementing a fee mechanism is whether to fully or partially fund the program with them. Both options are now being utilized in the States. The partial funding approach is currently being utilized by most States to simply supplement the general revenue fund. While some States have a mandate to fully fund their hazardous waste programs through fees, none of them currently fund the total program using only fees because they continue to accept federal program grants and, in some cases, use State general fund "seed" money (see the Louisiana, California and Ohio case studies in this report). As would be expected, fee levels are generally higher in these "fully funded States" (i.e., those that fund the entire 25% Federal grant matching requirement through fees) than partially funded ones.

States which only attempt to partially fund their program using fees generally pick specific services be funded. The usual choice is the licensing/registration or permit review function. Inspections are another popular choice, but these inspections are tied to permit issuance and not compliance monitoring.

(5) Setting Fee Levels. Setting the fee level may be approached two ways. There is the "micro" approach which seeks to get an accurate accounting of the level of effort necessary to carry out a specific activity through tracking and auditing. This level of effort can be translated into a cost. This cost can then become the fee value, or it can be added to other costs which are to be recovered to determine the fee.

The second approach is a more global, "macro" approach. Here an agency's history, estimates of program size, budget projections some similar analysis leads to an overall program cost. The fee is determined by distributing the cost among the regulated community.

The "micro" approach is usually used for partially funded programs, though full program costs can be determined this way. The "macro" approach appears to be used more frequently with fully funded programs, though it could be applied to segments of the program.

(6) Fee Caps. Some states have bounded the funding purpose of the fee by establishing a "cap" in the State statute which sets a limit upon the fee levels that can be charged.

The use of caps, much like the issue of partial or full funding, is largely a function of State philosophy and experience. Caps are used by the legislature to keep control on the state agency. Inasmuch as fees are perceived to be taxes, the legislature asserts this control as a matter its right to tax. The cap may also be a method to gain acceptance by industry. This explicit assertion of legislative control and oversight may assuage industry concerns of an overzealous State agency charging punitive fees.

The impact of caps can vary and is highly dependent on the type of fee mechanism in the State. In a partially funded system there may be little impact. If revenue needs begin to exceed the cap, the agency can request increases from the general revenue fund in its budget submission. Or, the State may choose to establish caps on some fees while others have none. Missouri is an example of the latter approach. The State has caps on generator and transporter fees but can directly bill the permit applicant for the time spent on engineering and geological review, often the most time-consuming, and therefore most costly, part of the application review.

A fully funded State could face significant problems with a statutory cap. A State agency may repeatedly have to go to the legislature for fee increases. If legislative intent remains consistent, this may not be a big problem. But, as noted above, no State is currently fully funding its program with fees. If federal program grants decrease rapidly, such a State agency fully funded by fees may have to return to the legislature much sooner than either expected.

(7) Cash Flow Considerations. A common misconception about fees is that they are used to directly fund State programs and provide an assured source and continuous flow of funds to the State regulatory program. Also, the purpose of fees is suspected to be attempts by the program to get around the normal budget cycle. Fees are often outside the legislature's appropriations process, i.e., an "off-budget" item.

Review of the administration of the fees the case study States has shown this not to be a major consideration at the agency level. In no States are the funds directly accessible for use. After collection and processing, they are deposited into either the general revenue fund or a special earmarked account. An agency simply draws down its appropriations with no particular concern about the source.

The State, perhaps its treasury, may have specific needs or desires regarding the flow of fee revenues. It was not voiced as a concern by anyone in the hazardous waste agencies or legislatures that were contacted for purposes of this report. It is not clear that this becomes an issue even in "fully funded" fee States because, so far, these programs have had federal program grants and general revenue seed money to augment the fees. In practice, States with a monthly income from waste tonnage fees, such as California, did not appear to face different cash flow problems than a State, such as Wisconsin, that collects revenues at one time each year.

To understand the cash flow process of the fees it is important to know that currently States apply the fee revenues to the agency budget in three ways. One approach is to deposit the revenue into an earmarked fund and draw it down in the current year. Fee revenues are then considered a part of the current year operating revenues. Another approach, similar in application, is to deposit the receipts in the general fund to offset current appropriations. Finally, some States take no account of the fee projections in their budget. Revenue is deposited in the general fund. The previous year's receipts are then used as an unofficial justification for budget approval, but there is no explicit offset.

(8) Tying The Fee to Specific Services. The relationship between the fee and the service it funds can be a major consideration in the examination of a fee approach.

As shown in Chapter 2 of this report, the most utilized fee mechanism is the permit/application fee. The States appear to accept this fee approach as off-setting some of the costs of running the permitting aspect of the program. Less frequently used are tipping fees or waste generation taxes. These mechanisms are not tied directly to an activity or service and are met with stiffer industry opposition. This debate is going on in one State now. Industry is fighting a surcharge because it feels that it is a tax and not tied to specific State services. It feels it is the type of tax that leads to a growing regulatory bureaucracy. Industry appears to be in favor of establishing permit application fees. The State may reject the application fee concept because adequate revenue may not be generated.

In considering a fee approach, a rule of thumb that can be followed is that industry opposition to the fee appears to increase as the regulatory services derived by the industry from fee payment become more difficult to perceive. Such opposition may exist even though all fees may be deposited in the general fund. This may be the major reason why hazardous waste fees are often tied directly to program activities: to identify the fee as paying for the service provided by the regulatory agency.

(9) Projecting Receipts. Obtaining accurate projections can be a difficult business. As explained earlier, imposition of a fee might encourage more recycling or the migration of wastes out-of-state. Fee projections based on waste generation estimates are therefore subject to change. An accurate assessment of these affects needs to be factored into the projection. There are several sources of error which may lead to overestimating receipts:

- exclusion of "small" generators from hazardous waste regulatory controls;
- resource recovery exemptions (applied to generators that ship wastes to these facilities);
- various facility exemptions;
- hazardous waste "delisting" petitions (exclusion of certain wastes at specific sites from regulation as hazardous waste);
- non-payment due to loopholes; and
- poor data.

Underestimating is not usually a problem. Also, as has been mentioned previously, the projection problem is less critical for States that partially fund or that tie receipts to specific services. In these cases, the general appropriation serves as a buffer.

Revenue projections are the weakest for fees based on waste generation rates or volumes. Few of the States have enough experience with fees to have gone through enough iterations of projections to be comfortable that they accurately know who pays and how much. Another potential problem with projecting revenues from this kind of fee is that it is tied very closely to a firm's output. That output may fluctuate significantly over the economy/ business cycle. A State must fund its program even in recession years when receipts could decrease dramatically. The best advice to States just starting out is to be conservative in its projection of revenues.

Implementation Issues

This section describes the factors that appear to guide the choice of implementing different types of fee mechanisms. This section does not provide a model fee system because, as was seen in the previous section, States have different reasons for developing their fee mechanisms. This section is intended to identify the issues and arguments that appear to arise when setting up a fee mechanism (see Figure 2, page 25).

(1) Equity. A review of the case studies in Chapter IV and data sheets in Appendix D show that there are many ways to segment the hazardous waste community for purposes of fee assessment. First, of course, there are generators, transporters and management facilities. But generators may be in-state or out-of-state. Transporters may be contract carriers or owned by the generator or facility. Waste may be handled on-site or off-site. Facilities may be commercial or non-commercial. Facilities may treat, store, dispose or combine activities. They may be large or small.

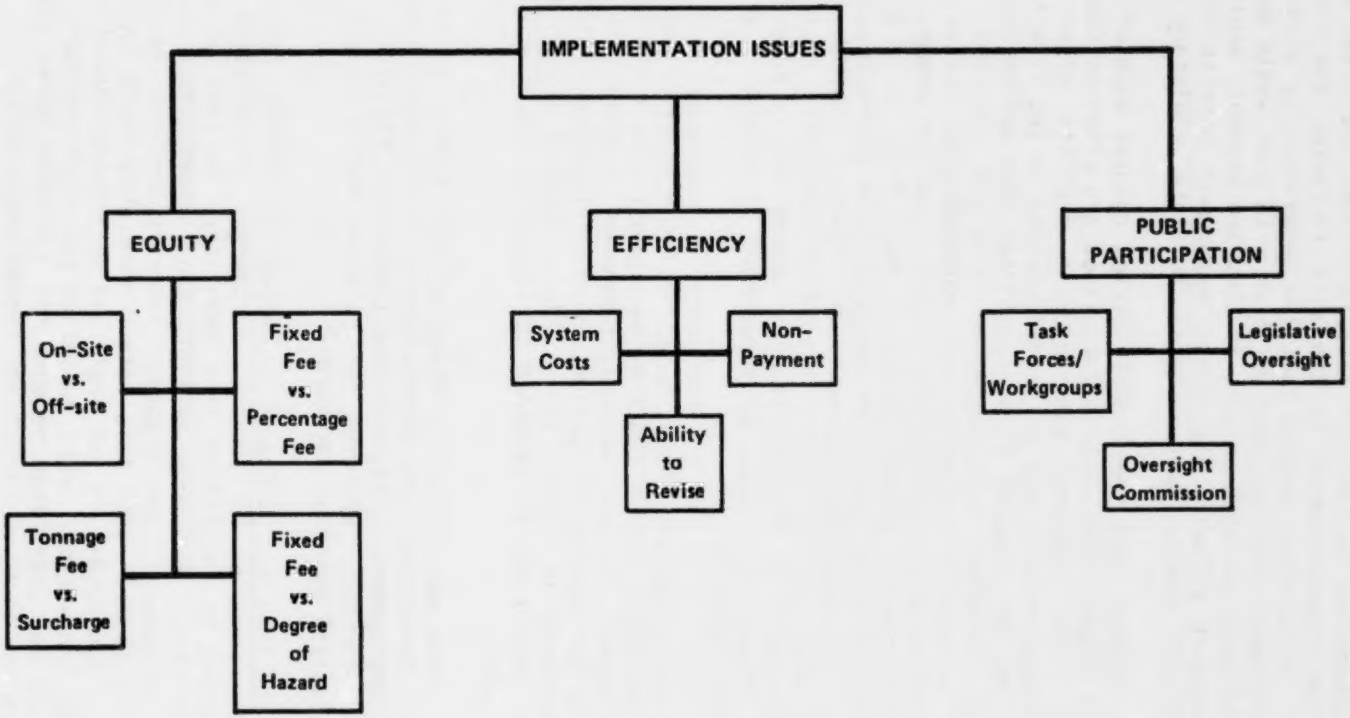
The States have attempted to characterize their hazardous waste communities in various ways in order to charge different fees to different segments. Whether a particular segment pays its fair share is an equity issue. While every one can agree that, in theory, the various segments impose different costs on the environment, the agency and the public, the actual differentials are rarely agreed on easily.

Equity issues also arise when trying to determine the type of fee (tonnage charge vs. surcharge, for example). Here the debate focuses on the fairness of the type of assessment (e.g., are large firms penalized or subsidized?) and not as much on different fee assessments for the various industry segments. The following discussion highlights the equity arguments used on both sides of several of the key fee distinctions.

When discussing issues of equity one must always keep the program purpose in mind. The equity issue is a primary concern if the goal is to recover costs. In this case, an agency must make a good faith effort to set fees that reflect costs as accurately as possible. If the fees are meant to drive some policy or regulatory purpose, equity may be irrelevant. If the State decides to discourage disposal, it may do so by placing a fee only on disposal and exempting treatment, storage and recyling. It may charge fees for all activities, but charge disposal facilities more. Equity in fee levels is not the issue in this case, the purpose of the public policy is.

Figure 2

IMPLEMENTATION ISSUES ARE
ASSOCIATED WITH SPECIFIC FEE MECHANISMS


IMPLEMENTATION ISSUES
EQUITY
On-Site vs. Off-site
Fixed Fee vs. Percentage Fee
Tonnage Fee vs. Surcharge
Fixed Fee vs. Degree of Hazard
EFFICIENCY
System Costs
Non-Payment
Ability to Revise
PUBLIC PARTICIPATION
Task Forces/ Workgroups
Legislative Oversight
Oversight Commission

Source: Fred C. Hart Associates, June 1982

On-site vs. Off-site Facilities. This is by far the "hottest" topic in any debate on fees. The case for classifying facilities by these two types of categories is that off-site facilities are often more complex and the need for transportation to the site increases the risk of spills or accidents. It is also argued that the generator, by virtue of wanting to stay in business, will not want to live with poor waste management at the place of business and that unions, if they are present, would not allow poor waste management either. Therefore, management on-site should be charged less, as it will impose fewer costs on the State regulatory agency.

Those against this fee classification counter each of these arguments. First it is argued that on-site facilities are often as complex as off-site facilities. The simplest manufacturing facility often generates many wastes. Transportation may be needed on-site to get from the waste generation point to the disposal site. In States that define any generator-owned facility as "on-site," transportation risks are identical. Actually, here the issue is usually commercial vs. noncommercial status with the former type of site usually paying higher fees. Another argument is that higher off-site fees cause a greater impact on small firms which are less likely to manage their waste on-site. Opponents of this approach also point out that only 2% of all hazardous shipments are "wastes" subject to EPA regulation under RCRA with the rest being "hazardous materials" subject to regulation by the Department of Transportation. In sum, it is argued, that the environmental impacts and risks of management of hazardous wastes on-site and off-site are identical.

On a more practical level, those in favor of different fee levels argue that the inevitable public reaction to any off-site facility results in more extensive permit reviews, more frequent and lengthier hearings, and more opportunity for ensuing litigation. Proponents argue that these costs ought to be recovered in higher fees. Those opposed may argue that off-site facilities should not be burdened by paying for the public's fears, misconceptions, etc.

This issue may ultimately hinge on the relative political power of the two sides. Generators are manufacturers: a source of significant tax revenue and employment. The off-site commercial facility industry does not have this leverage. Whatever the relative merits of the arguments above, off-site facilities often pay more.

Tonnage Fees vs. Surcharge. Tonnage or volume fees are assessed on either generators or facilities. Surcharges are assessed on facilities or are collected by facilities from generators as part of the firm's normal billing process. Surcharge receipts are forwarded to the appropriate State agency. In general, the disposal industry prefers the tonnage or volume charge. It is felt that this method more accurately captures the costs of disposal. Surcharges are not preferred by industry based on the belief that it stifles innovation: more expensive but environmentally safer management methods are not undertaken because the surcharge makes their added cost to generators too high; new processes become uneconomical.

Two reasons in favor of surcharges are offered. Administratively it is easier to implement, both at the site and later for review or verification of payment. Another argument that has been offered is that the surcharge in some ways incorporates the degree of hazard of the waste. Highly toxic wastes, which are harder to handle and dispose of easily, would cost more. Tonnage fees would discriminate unfavorably against high volume, low hazardous waste.

Fixed Fees vs. Degree of Hazard. Presently, the predominant type of charge is "fixed fees." These fees are assessments made regardless of the type of waste (i.e. landfills are charged "x" no matter what wastes are handled). In theory, everyone is in favor of a degree of hazard basis for fees. In practice no one has agreed on an algorithm to assign wastes to a hazard category and determine fees. California is the only state actively pursuing such a system. It is mandated by a recently enacted law. The argument against instituting such a system is simply that no one is happy with what's been proposed.

Fixed Fees vs. Percentage Fees. Simple fees based on a percentage of unit of measure some (usually volume, weight or costs) are very popular as assessments on generators for state "Superfunds." They also are often found in statutorily set fees for the regulatory program. They have an advatange of being simple, both in conception and in administration. However, it is argued that such a system does not adequately account for the fixed costs to the State agency at the low end of range of fees and may be punative to the regulated community at the high end of the range. This was the finding in Louisiana where a draft fee range based on a simple percentage was estimated to vary from $30.00 to $200,000. Presumably this would be less of a problem in States where the range of waste generation or facility sizes is not too great.

(2) Efficiency. There are three aspects of efficiency that are important: 1) the costs of administering the fee, both to the agency and to the regulated community, 2) the effort required to revise the fee, and 3) non-payment.

System Costs. Quantitative data on costs of administering fees were not collected during the study as it is not readily available in the States. Qualitative information was easy to come by. In general, that application and registration fees appear to be the easiest to manage -- both for the State agency and the firm. There is no figuring to be done by the firm and no verification to be done by the agency. The number of payments are kept to a minimum with annual permits/renewals having the most frequent payment activity from this type of fee.

Administration of application fees that are based on facility size may only be slightly more costly to both parties. Data supplied on the application should be sufficient to determine what fee level is required. Verification of this data could be carried out under the usual site visit associated with application evaluation.

The more costly fees to administer are the monthly, quarterly or yearly fees that are based on volumes generated or surcharges. These require more extensive review by the State agency to verify that the fees submitted are correct for the amount of waste handled. Within this category, one State felt that surcharges were much easier to deal with than volume or tonnage charges. The feeling appears to be that it is easier for the facility to add a surcharge to the bill than it is to figure out a tonnage fee independent from the regular service charge and that it is easier for the agency to monitor this. Obviously, the more transactions the more costly is the system. Louisiana, which has an annual permit application system, requires roughly ¼ person-years of administrative effort annually. Wisconsin's permit fee system, which processes one-half of its permits annually, falls into this latter range as well. No data were available from States with a monthly transaction.

A significant front-end administrative cost that needs to be considered is training. Illinois, for example has spent a considerable amount of funds to set up a computerized manifest system to track generator fees under their State "Superfund." It has taken two years of hard work by personnel in the State agency and in the regulated community to finally get the system running properly.

Ability to Revise. The ability to revise the fee levels, impose additional fees or drop existing fees may be an important consideration. In the case studies, it seemed clear that fees under statutorily-set caps are the most difficult to revise. In all cases, getting the system through the legislature was seen to be very difficult and in no case did the State officials contacted seem eager to deal with the fees issues again in the legislative context.

Apparently, in States with a commitment to full funding through fees and statutory caps, the legislature is more prepared to deal with the issue on an ongoing basis as it is perceived to be a more crucial funding need of the State agency. In States without the full funding commitment, fees are not perceived to warrant such continuous legislative attention as the major focus is on the funding from general revenue sources.

Some fee levels are established in State regulations and generally take about 9 months to revise. Problems in revising fees can also arise because the State's budget process takes place independent of either an agency's rulemaking process or legislative amendment to the hazardous waste management act (where statutorily-set fees are found). California, a State committed to full funding of its hazardous waste program throgh fees, is having this problem now. Hearings have recently been held on proposed changes in the fee levels (statutory changes are necessary) before the Department of Health Services budget has been approved. Where rulemaking is necessary, as in Louisiana, the debate would occur outside the legislature but still could be a time-consuming process.

An efficient solution may be to tie the setting of the fee levels more closely to the State budget process. An agency could prepare its proposed budget and include the fees necessary to finance it. Budget approval by the legislature could include approval of the fee level. This approach has been taken in Oregon and Tennessee. Each State's statute sets up a commission whose mandate is to revise fee schedules on an annual basis. The marginal effort of adding this step to the budget process appears to be significantly less than pursuing fee changes independent of the budget cycle.

Non-payment. In all States non-payment of fees constitutes a violation of the hazardous waste statute and is subject to all administrative or criminal remedies. In addition, a number of States charge late penalties to create an incentive to pay on time. This is still a problem. The fee structure can play a major role in creating opportunities for late payment or non-payment of fees.

Late payment is a particular problem when the fee system requires a constant flow of funds from the payee to the agency. For example, off-site facilities in Ohio must submit surcharge receipts on a monthly basis. They have often been late with their payments. Apparently, the more frequent the transaction, the greater the potential for late payment.

Non-payment is an even more serious problem. One State's fee system is an example of how problems of non-payment can be built into the fee approach taken. The State's statute sets a monthly cap on disposal fee assessments of 2500 tons or $2500 (at $1.00/ton) for waste shipments off-site to be disposed at commercial facilities. However, under the permit regulations, generators can store an unlimited amount of wastes on-site for up to 3 months without needing to apply for a storage permit (and thus not pay the State's permit fees). After accumulating these wastes for 3 months without paying any fees, these generators can then ship all the wastes off-site for disposal and pay only the $2,500 maximum monthly disposal fee. Thus, the larger generator, who would have exceeded the land disposal fee cap every month if he shipped wastes as they were produced, is able to store it on-site and alter his shipment schedules to a quarterly basis to avoid the State's permit fee and 8 of the monthly disposal fee assessments per year. The larger generators using this method pay $10,000 per year instead of the $30,000 that was expected. This calculated avoidance of fee payment on the part of large generators has undermined agency's revenue projections. The lesson learned here is the need to carefully craft fee assessments to be in line with regulatory requirements to avoid fee non-payment.

The best way to ensure payment on time is to clearly tie the fee into the schedule of some agency action. Application fees do this. The application (license or registration) is simply not processed until the fee is received. Inspection and monitoring fees can be handled in this way as well. Problems of fee non-payment or late payment are more prevalent with fees that are based on ongoing operations (surcharges, tipping fees, etc.). It may also be a problem where the State issues multi-year permits but expects an annual fee.

(3) Public Participation. An important consideration in the question of deciding whether or not to impose a specific fee mechanism is the level of public (including industry) involvement in the decision-making process.

The study found that industry input into this decision-making across the nation is variable. It may mean industry merely comments on proposed fees as part of the normal rulemaking process, or testifying during the legislative hearing process. On the other hand, it may mean industry representatives participating on a task force or advisory group to provide advice to the agency or serving in a review capacity. The impression gained has been that more public involvement means less controversy in making decisions about which fee mechanisms to implement or about setting fee levels.

The proposed fee mechanisms may be reviewed on several levels. Beside working with an advisory group, proposed fees may be reviewed by an independent commission that has oversight responsibility for environmental matters. The Louisiana fee mechanisms are subjected to two reviews and legislative oversight, as well. A joint committee of the legislature reviews all fee actions. Kentucky made extensive use of advisory committees in establishing its solid waste fee approach.

Various States have raised concerns that fees, if treated as taxes, may have to pass more rigorous hurdles. In California, Proposition 13 mandates approval of new taxes by 2/3 of each house of the State legislature. In New Jersey, new taxes must be approved by voter referendum. It is not clear at this writing whether proposed fees in these States will have to go through these processes, but other states which have similar tax-related requirements should be aware of the potential for such close review.

Conclusions

The disscussion of the issues above highlights one final point. All of the issues are highly interrelated; decisions in one area greatly affect the importance of the choices in other areas.

After deciding to use fees, perhaps the most important choice that the State can make is whether to fully or partially off-set the program's costs. The choice to be self-sufficient makes the decisions in other areas more critical. Setting the rates, projecting receipts and developing an efficient system will now impact heavily on the success of the fee mechanism. In the development of a program fully funded by fees, the equity issue will be raised by all segments of the hazardous waste community which, after all, only want to be treated fairly.

These conclusions are not meant to dissuade States from attempting to fully fund their programs. There are many benefits to such an approach, just as there are benefits from a partially funded system. It is advisable, however, to carefully consider all issues fully before deciding to implement a fee system.

Chapter IV

Case Studies of Seven States Implementing Hazardous Waste User Fees

Introduction

This chapter presents case studies of seven State hazardous waste fee systems. Each State was visited by contractor or EPA staff in February or March, 1982. The visits were to the State hazardous waste program offices in:

Ohio
Louisiana
Missouri
Kentucky
Wisconsin
California
New Jersey

These States were chosen based on the understanding that they had actually implemented hazardous waste program fee mechanisms and had collected significant revenues and because they were willing to share their experiences with other states.

The information in each case study reflects the collection of data from several sources, the most important of which include:

- Review of the State's hazardous waste management regulations and statute.
- Visits to the State program offices and in some cases to key legislative staff and industry spokespersons.
- Telephone contacts with legislative and industry representatives in the state.

Also, each of the State programs and legislative contacts have been given the opportunity to review a draft of the case study addressing their State.

Case Study 1 - Ohio

Enabling Authority

Statute: Ohio Revised Code, Title 37, Health, Safety and Morals; Chapter 34 - Solid Waste Disposal.

Regulations: Ohio Administrative Code, Title 3745, Environmental Protection Agency, Chapters 50-58, Hazardous Waste Management Regulations.

Program Description

Ohio's hazardous waste program fees are administered by the Division of Hazardous Materials Management of the Ohio Environmental Protection Agency. Additionally, the Ohio Public Utility Commission collects annual transporter fees.

Ohio's hazardous waste management act establishes three types of fees. All facilities are granted a three-year installation and operation permit but pay an annual fee. The act then specifies two separate fees for hazardous waste disposal. On-site disposers are assessed a set fee which is prescribed in the statute. Off-site disposers assess generators a surcharge on their payments to the facilities and pass the fee revenues on to Ohio EPA.

The Ohio Public Utility Commission collects "base" and "per vehicle" fees from transporters.

The current size of the fee program is:

Facility Permits	336	
on-site	330	
off-site	6	(four companies)
Transporters	389	

Description of the Fee Mechanisms

The Ohio program has established the following fee types: permit application fee, operation fee and transporter fee.

The Annual Installation and Operation Permit Fee is a permit application fee which is capped by statute at $1500. Ohio EPA has set the fee at this maximum level. Permits are issued for three years. The first fee payment is upon application submittal. The subsequent payments are due on the permit anniversary dates.

The Off-Site Disposal Surcharge is a tipping fee assessed by the disposal facility, "as a trustee for the state" on the generator. The surcharge is set equal to 6% of each charge for disposal made by the facility. Surcharge revenues collected for the period 11/10/81 through 4/26/82 were approximately $268,000. Two facilities account for about $250,000 or 93% of all surcharges collected. Ohio EPA expects to collect $372,000 through June 30, 1982. Data do not exist at the state level on how much each generator pays in surcharges. There is no way, therefore, to compare the range of annual fees paid by generators who dispose off-site to the on-site disposal fees.

The On-Site Disposal Fee is paid by generators that dispose of wastes on-site. Ohio's definition of on-site, for fee purposes, means any generator-owned facility that disposes of only the generator's own wastes. The fee level is based on a combined management/technology type criterion and a size criterion:

- Each disposal facility pays a base fee of $2000.
- For each acre over five acres an additional charge of $400/acre is assessed.
- A deep well facility pays a flat fee of $5000.
- Facilities which combine activities pay for each activity (i.e. a small landfill plus deep well would pay $7000) but the total fee may not exceed $10,000. This cap is set by statute.
- There is a 10% late payment charge.

On-site disposal fees have not yet been collected.

The Transporter Fee is collected by the Public Utility Commission annually. The fee is comprised of a one time base fee and an annual per vehicle charge:

- The one time registration fee (base fee)is $25.
- The annual fee (per-vehicle) is $3/power unit. [This fee criterion distinguishes between the power (i.e. the "tractor") and trailer units which are pulled by the tractors. The number of trailers is not a factor in assessing the fee.]

Background in Development of the Fee Mechanism

Early during the development of the State's hazardous waste program the Ohio legislature adopted the position that all State environmental programs would be self-sufficient. Accordingly, two different fee mechanisms were originally considered to separately but fully fund the state hazardous waste regulatory program and a State "Superfund" to finance site clean-up.

Consideration of the second fee mechanism (Superfund) was eventually dropped due to an inability to raise a sufficient level of funds and industry resistance to this approach. Ohio industry would have opposed the "Superfund" in the legislature as they did not want to shoulder the costs of reclaiming abandoned hazardous waste sites.

The legislative mandate for a self-sufficient state program is currently the major issue in the development and implementation of the Ohio hazardous waste regulatory program. Although the State program immediately began to investigate the feasibility of user fees as a funding source, problems arose regarding the initial funding of the program. As the October, 1981 deadline for issuing State permits approached, no independent revenue source was established to pay for the program's front-end cost. The legislature had expected the Ohio Water Development Authority to issue bonds to pay for the hazardous waste program's costs during the period of transition over to an independent funding source (i.e. the fee mechanisms). However, the Water Authority refused to issue bonds given the uncertain funding status of the State's program. After much debate, the legislature finally "advanced" $500,000 from the general fund for program start-up. The fee program is expected to fund the program after this transition period.

An underlying policy objective of the fee system is to discourage hazardous waste land disposal and deep well injection. Facility fees are only charged for these activities. While drafting the statute, the legislature considered, and then dropped, a 4% surcharge on hazardous wastes taken to treatment facilities. The fee mechanism has never been applied to resource recovery facilities.

The surcharge has been a subject of some disagreement between industry and the state. Industry is strongly in favor of a per volume criterion for this tipping fee. It feels that this would more equitably distribute the burden. State agency personnel, however, cited administrative ease as the overriding factor which led to the surcharge. Given the agency's attitude towards the surchage it would seem that the fixed fee for permit applications and on-site disposal appear to be "second choices." Preferred surcharges cannot be levied for on-site disposal where no service is paid for.

Administrative Experience

Ohio EPA is responsible for administering the application fee and the on- and off-site disposal fees. The fee system has been in place for only a short time, so there is not a long history of fee collection to review. In fact, the agency has not collected from on-site disposers yet.

Surcharges are collected monthly. Three private companies and one county landfill submit receipts for six permitted facilities (one firm owns three facilities). Because of consistent late payments the agency is going to extend the payment due date from 10 days to 45 days after the end of the monthly period.

Summary of Program Highlights

- The Ohio fee mechanisms have been established under a strong mandate of the state legislature which has specified fee levels or has placed fee caps.
- The Ohio EPA decided to assess a tipping fee based on a surcharge for off-site disposal instead of a charge based on waste volume. Ohio industry favors the per volume charge. The State agency strongly believes that it is administratively simpler to use a surcharge than a volume-based charge.
- The level of fees for on- and off-site disposers are assessed based on two separate criteria. This unusual approach was taken because, while surcharges are preferred, they cannot be used for on-site disposal where there is no charge for services.
- The program suggested that the State fee mechanism's policy bias against disposal probably has had little effect on encouraging a shift in industry's management practice away from disposal towards treatment. New financial liabilities imposed under RCRA and CERCLA have probably had more of an effect on this shift.

Case Study 2 - Louisiana

Enabling Authority

Statute: Louisiana Revised Statutes, Title 30, Chapter 11 Environmental Affairs, Section 1065 B (LRS 30:1065B)

Regulation: Hazardous Waste Management Plan, Section 5.2.10 A. & B."Fees and Charges"

Program Description

The Hazardous Waste Management Division of Louisiana's Department of Natural Resources administers two hazardous waste fees. Both are facility fees and are set at levels to ensure full funding of the State's hazardous waste management program (which at this point means fully funding the State's grant matching requirement). Permits are issued for the life of the facility as specified in the permit. There is a one time facility permit application fee and an annual permit maintenance fee. Transporters are regulated by the Department of Public Safety (DPS). Authority exists to charge fees to hazardous waste transporters but no fees are currently being implemented. However, DPS is looking into the possibility of charging transporter fees.

Louisiana has approximately 950 hazardous waste generators. No small generator exemptions have been made. About 250 firms have notified the Department of Public Safety that they transport hazardous waste.

Louisiana has six off-site commercial facilities, three off-site non-commercial facilities and approximately 100 on-site facilities.

Description of the Fee Mechanisms

The Application Fee is based on two criteria. There are charges to each application using the base fee criterion. The State's process and plan analysis and the management/financial analysis components fit this criterion.

The remainder of the fee is based on a two tiered size measure. One component assesses a fee per acre (up to 100 acres). The second assesses a fee for each facility on the site. That is, each pond, impoundment, or incinerator is counted as an individual facility. The application schedule is:

Process and plan analysis	$1,000
Management/financial analysis	1,000
Site analysis (per acre up to 100 acres, no additional charge above 100 acres)	250/acre
Facility analysis	500/facility

The Annual Permit Maintenance Fee is made up of three components: a site fee, facility fee and volume fee. The site fee utilizes the commercial and on/off-site criterion. It segments facilities into three groups: 1) on-site disposers, 2) off-site, non-commercial disposers, and 3) off-site commercial disposers. Louisiana is the only state to make a three segment distinction.

The remaining two components attempt to assess the fee by size. The facility fee is a set charge per facility, as in the application fee. The volume fee is based on actual tonnage disposed. The specific fee charges are as follows:

Fee Per Site:

Off-site Disposer (Commercial)	$25,000
Off-site Disposer (Non-commercial)	5,000
On-site Disposer	2,500

Fee Per Facility:

Standard for all disposers (For each facility)	$ 1,500 ea.

Fee Based on Volume:

Less than	1,000 tons	$ 1,000
Less than	10,000 tons	2,000
Less than	100,000 tons	3,000
Less than	1,000,000 tons	4,000
More than	1,000,000 tons	5,000

Maximum fee (cut-off):

Off-site (commercial)	$40,000
Off-site (non-commercial)	20,000
On-site	15,000

The following explanation is excerpted from material developed by the state and distributed to facilities with fee obligations:

> A base charge is made for each site to recover administrative, i.e., annual compliance inspection scheduling, recordkeeping, review of site records, quarterly report monitoring, emergency response for on-site spills, and similar items. The charge for off-site is higher since it is intended to recover the cost of the manifest system and transportation spills, which are only applicable in the case of off-site disposal. (Note: off-site non-commercial sites are generator-owned.)
>
> An additional charge is made for each facility on a site. This charge is intended to cover the inspection, monitorng, etc. which are required for each facility. The number of facilities is covered on the application form.

Finally, a charge is made for the tonnage disposed of (on a sliding scale). The amount of the fee is intended to cover increased cost of inspection and monitoring. Very high disposal rates are either special wastes or injection wells which require little additional monitoring with large increases in production.

The minimum annual fee for on-site is $5,000 and the maximum could be set at $15,000 (the highest found is $13,500 by the charges proposed). For off-site, non-commercial, the minimum fee would be $7,500 and the maximum could be set at $20,000 (values from $12,000 to $15,500 were estimated). Off-site, commercial, would have a minimum annual fee of $27,500 and the maximum could be set at $40,000 (values from $27,500 to $36,000 were estimated).

A ten percent (10%) per month late fee is charged.

Fee revenues for this year are expected to be roughly $900,000. The Division's 1982-83 budget is approximately $2 million with a payroll close to $1 million.

Background in Development of the Fee Mechanism

In retrospect, the development of the Louisiana fee system seems straightforward and the inevitable result of basic State policies and statutory and constitutional constraints. The State's hazardous waste management act was passed in 1978. The fee system came out of the 1979 legislation that created the Department of Natural Resources and consolidated environmental programs under its roof.

A tax on generators was not constitutionally possible. In 1974 the new State constitution did away with taxes for dedicated funds. The legislature was not expected to put significant dollars into environmental programs, and, therefore, facility fees were chosen as an alternative.

There was heavy public pressure at the time to institute a good hazardous waste program. As a result, industry did not fight the system. With the nation's fourth largest petrochemical industry, the State found a significant number of reputable firms managing hazardous waste that were anxious to distance themselves from the few disreputable ones. Industry also seemed willing to pay for a good hazardous waste program with which they can work.

The difference between on-site and off-site and between commercial and non-commercial off-site is based on the following considerations. On-site facilities handled a very limited number of waste streams of well-known and consistent characteristics. Also, the spillage and transportation problems are minimal. Thus, the fee for supervision and control is set at a lower rate. Off-site, but non-commercial, still handle limited streams of consistent characteristics but do pose added program costs in operation of manifest and emergency response systems. Thus, the site fee is higher. The site fee for commercial facilities is set considerably higher because the manifesting and emergency response problems are greater and, in addition, the multiplicity of wastes and the considerable management problems they may impose require more program effort.

Finally, demanding the initial fee with the permit application is looked on as a "good faith" gesture on the part of the facility to operate in compliance with the regulations. It weeds out the less reputable firms.

The statute mandates that the full program be paid for by industry. At the present time, fees levels are set to collect the difference between program costs and EPA grant monies. It should be noted that the successful passage of the fee system depended, in part, on DNR's agreement not to use fee revenues for other programs or legal actions. As grant funds decrease fees must be adjusted, as necessary, to pay the operating cost of the program.

It is interesting to note that while the fee revenues are not used for actual spill response cleanup or remedial activity, the management of these activities is one use of the fee revenues (see page 40 for a discussion of this use of the fees).

In drafting the fee structure, a straight "per tonnage" fee was investigated first. However, DNR calculations showed that this would have resulted in a fee range of $30.00 to more than $200,000. The Division felt that the low end didn't cover certain fixed costs and that the high end was punitive. Consequently, the combined base fee plus size criteria fee was developed.

Administrative Experience

The Hazardous Waste Management Division determines the fee level. The Division determines the program costs and apportions it among the regulated community. An advisory group set up by the regulations with major industry input reviews the formula chosen. Once the Division determines the "final" formula it is presented to the Environmental Control Commission and then to the Joint Committee on Natural Resources of the legislature for approval.

The statute does not set a ceiling on fee levels. The Division has set maximum fees in its regulation but this can be changed via the rulemaking process with only acceptance from the legislature.

The Division sends out its own invoices. The tonnage fee is determined from the quarterly reports submitted by the facilities. The money is sent back to the Division for processing, after which it is sent over to the State treasury and posted against an earmarked fund.

Transporters are regulated by the Department of Public Safety. While authority exists, there presently are no fees charged to transporters. Fees for hazardous waste transporters are being investigated by DPS at this time.

While fee revenues are supposed to cover the costs identified above, it was noted that they do not come close to covering the cost of permit issuance if there is a lengthy process. In one case, the hearings alone took 20 days for a commercial off-site facility. These extra hearings costs cannot be factored into the budget/revenue needs calculation due to the language of the regulations which call for costs to be "reasonably calculated to cover the cost of the program." There is no acceptable way to factor contingencies (such as lengthy hearings or some public controversy) into the estimated program costs.

Only one billing had gone out when the data were collected. Response was good though there were problems with some of the assessments. Wastes discharged through the SPDES System (State Pollution Discharge Elimination System - a permit program delegated to the State under the Clean Water Act to regulate discharges into surface waters) were inadvertantly included in the figuring.

The Division is taking another look at the emergency response function and the higher assessments on off-site facilities to cover it. As previously mentioned, the fees cover the management of emergency response: going to the site and managing the disbursement of the state emergency fund (i.e. overseeing contractor efforts). While the higher charge is supposed to cover expected hazardous waste transportation incidents, many of the incidents responded to, in fact, have been hazardous materials spills. The Division plans to approach the legislature for general revenue funds for the hazardous materials component of emergency response management.

The Division will raise fees as grant monies decline yet it realizes that facilities are not an "infinitely deep pocket." The Division will attempt to keep fees from being punitive. Generator fees were suggested as a possible alternative.

Summary of Program Highlights

- Full funding through industry fees is a statutory mandate.
- There is no statutory cap on fee levels. Instead, the regulations set a maximum fee.
- Fees are set by determining revenue needs and allocating among the regulated community (the "macro" approach).
- Facilities are segmented into three groups: on-site, and commercial or non-commercial off-site facilities.
- Industry has input to development of the assessment formula through an advisory group.
- The State's industry is skewed towards large, financially secure firms with an ability to pay significant fees (one state official stated that if the state had many small specialty chemical processors, the fee system would have problems).
- The hazardous waste management industry feels the on-site/off-site differential is too large but is constrained from contesting this (or any other part of the program for that

matter) by intense public pressure. The industry maintains that only 8-10% of the waste goes to off-site commerical facilities.

- Fee revenues cover emergency response "management." However, the state may request general fund revenues for this purpose.

Case Study 3 - Missouri

Enabling Authority

Statute: Missouri Hazardous Waste Management Law (MRS. Chap. 260, Environmental Control, Section 350 et sec. - Hazardous Waste Management)

Regulation: Title 10 - Department of Natural Resources, Division 25 - Hazardous Waste Management Commission.

Program Description

The Waste Management Program within the Department of Natural Resources Division of Environmental Quality Administers the hazardous waste fees.

Generators of hazardous waste pay a fee based on the quantity of waste generated. Generators are sent a billing annually. Transporters pay an annual fee based on the number of vehicles. Facility owners pay permit application and renewal fees. Permits are issued for up to five years but the application fee is paid for every year of the life of the permit.

In addition, the statute requires that hazardous waste landfill operators collect on behalf of the state from each generator or transporter a tax equal to 2% of the gross charges or fees charged for disposal of hazardous waste at the landfill site.

Missouri's hazardous waste community is made up of:

Generators	
Generators Paying Fee	143
Generators Exempt from Fees (small quantity exemption)	714
Waste Oil Generators	1184
Resource Recovery Exemptions	97
Total	2138
Transporters	275
Facilities	
On-Site	121
Off-Site (including resource recovery)	10
Total	131

Description of the Fee Mechanism

A Waste Generation Fee paid by generators of $1 per metric ton of hazardous waste generated. The statute puts a cap of $10,000 on the fee that any one generator must pay. It is important to note that "generator" is a corporate distinction. That is, a firm with eight plants generating waste all over the state faces a maximum $10,000 fee and not $80,000. Generators of less than 10 tons of waste per year and waste sent to certified resource recovery facilities are exempt. Fees are calculated based on the expected volume of waste to be generated in the coming year and are due on each January 1st. This year's collections total about $112,000 from the generator fee as of March, 1982.

A Landfill Tax is assessed on generators that send their wastes to landfills. Landfill operators collect a 2% tax based on the disposal charges and forward the receipts to the Hazardous Waste Program. Fees based on charges over each previous calendar year must be submitted by January 1st. About $22,000 has been collected from the landfill tax as of March, 1982.

The Transporter Fee is a per vehicle charge. The statute sets a maximum of $100 per vehicle per year. Current regulations are based on gross vehicle weights and vehicle equivalents for firms not exclusively in the hazardous waste transportation business. A vehicle equivalent is the portion of vehicles annual load devoted to hazardous waste. For example, two vehicles which carry hazardous wastes 50% of the time equal one vehicle equivalent. The fee schedule is:

For motor vehicles:	$5-20/vehicle/year
For railroads:	$25/vehicle equivalent/year
For other haulers:	$25/vehicle equivalent/year

Two hundred seventy-five transporters have paid fees for hazardous waste transportation. Approximately $12,600 has been collected in this fiscal year so far.

Facility Fees are charged for applications and renewals. A technology type criterion is used to set the fee levels with landfills singled out for higher fees. All other types of facilities pay a smaller amount:

Application fee:	Landfills	$1000
	All other facilities	$500
Renewal fee:	Landfills	$1000
	All other facilities	$500

The fee levels are set in the statute.

In addition facilities are directly billed for engineering and geological analysis associated with the staff time assigned to the application reviews. This assessment enables the Program to recoup what are often major costs of permit issuance.

The State processed three landfill applications in the previous fiscal year for $3000 revenue. No application fees have been collected this fiscal year. Approximately $500 has been collected from applicants for geological and technical review.

Background in Development of the Fee Mechanism

Missouri's hazardous waste law was initially enacted in 1977 and rules and regulations implementing this law became effective in January of 1980. The regulations set a July, 1980 compliance date. Generator fees were a choice of the legislature for the major fee mechanism to meet the hazardous waste program funding needs. Generators must register with the department under Missouri regulations. Thus identified, sending invoices was perceived to be a relatively simple matter.

The fees serve two purposes. The generator fee rule, as adopted by the Hazardous Waste Management Commission is aimed at promoting resource recovery and discouraging hazardous waste disposal. Permit fees are set up to potentially recover permit processing and review costs. Here too, though, the differential rates for disposal and other facilities points up the policy of the Commission of discouraging disposal. The transporter fee is set up to recoup the costs of yearly registrations.

In the summer of 1980 the Department of Natural Resources (DNR) received two applications for hazardous waste landfills. Public pressure against these facilities become so intense that the governor called a special session of the legislature to deal with the issue. The 2% landfill tax and the previously discussed generator fee were two results of this session.

Administrative Experience

The Hazardous Waste Program within DNR's Division of Environmental Quality administers the fees. With the exception of the direct billing for technical review services, fee levels are set or capped by statute. The program sends out invoices and processes the receipts. The revenues are then deposited into an earmarked fund.

The initial notice for the generator fee went out to 330 generators. Roughly 140 actually paid. A few paid the $10,000 maximum. Roughly $200,000 was originally expected from the generator fee. This estimate has been revised downward to $160 - $180,000 based on the 7/80 - 6/81 rate.

A number of reasons were presented to explain this revenue shortfall. First, successful "delisting" petitions (exclusion of certain wastes at specific sites from regulation as hazardous waste) to the USEPA and have had an effect. Second, more firms have chosen resource recovery than had been expected. Third, some generators have since gone out of business. Fourth, the initial registration data may have overstated the actual amount of waste generated because accurate records weren't required previously of the generators.

The fees collected are placed in the Hazardous Waste Fund. They are used for the administrative costs of the program. The Program does not segregate the individual fee incomes and apply them to specific Program activities.

Summary of Program Highlights

- One fee mechanism was set up to create disincentives for land disposal and incentives for resource recovery as well as to provide additional revenue to regulate such facilities under the program.
- Projecting generator fee revenues has been difficult due to the impact of the incentives and disincentives in the fee structure and other influences.
- The statute puts caps on fees with the exception of direct billing for technical and geological reviews.
- The act (and, therefore, the fee system) is scheduled for review in 1984 by the legislature. No revisions are expected before then.

Case Study 4 - Kentucky

Enabling Authority

Statute: Kentucky Revised Statutes, Chapter 224 - Environmental Protection

Regulation: Kentucky Administrative Rules 401, KAR2:080 Fees

Program Description

The Department of Natural Resources and Environmental Protection administers Kentucky's hazardous waste program and its associated fees.

The state charges two fees: a generator registration fee and a facility permit application fee. Generators notify the State of their hazardous waste management activity annually. The state considers each hazardous waste management activity at a site to be a facility and a separate application is required for each. For example, one site has eight facilities. Permits are issued for one year.

The regulated hazardous waste community consists of approximately:

214 generators, and
100 facilities,
 5 landfills
 95 treatment, storage or incineration facilities

Description of the Fee Mechanisms

The Generator Fee is an annual registration fee based on the quantity of waste generated:

Quantity in tons	Annual Fee
13.3-100	$200
101-300	$300
301-500	$400
501-or more	$500

The Permit Application Fee is charged to hazardous waste management facilities. They receive a one year permit. The fee is based on a management type criterion and a size criterion which captures the amount of activity by assessing the number of facilities per site. The fee schedule is:

Disposal facility - $5000
Treatment, incineration, storage facility - $1,000

Each facility on the site requires a separate permit.

Permit modifications cost $100 for major modifications and $50 for minor modifications.

In the first year (7/79-6/80) $11,850 was collected. In the second year collections were up to $177,900. In this third year, through March, $64,250 had been collected. This works out to a yearly rate of $87,000. The reasons for the fluctuations could not be determined.

Background in Development of the Fee Mechanisms

The Kentucky program's original emphasis was in solid waste. The State charges permit review/processing fees for five categories of landfills:

Contained Landfills:	$800
Residual Landfills: (case-by-case design)	500
Residential Landfill:	500
Inert Waste Landfill	200
Landfarms	500

Permit renewals and modifications are levied a $250 charge. These fees are based on actual program records of past permit reviews. The fees accurately reflect the costs of permit review and processing. This close tying of the fee level to specific services was important in gaining industry acceptance of the fees.

The State developed hazardous generator fees for the purpose of remedial action cleanups following the revelation of the "Valley of the Drums" in the national media. It became clear that the State had to explore funding alternatives for remedial action and hazardous waste management in general. The general assessment, a per volume charge, for remedial response has the explicit purpose of discouraging disposal and encouraging reuse. In the push to develop the Superfund charge, it was decided to charge fees for hazardous waste program. The State was already charging fees for its solid waste program. The statutory authority for the hazardous waste management program includes the assessment of application and registration fees.

Fees collected from generator registration and facility permits are to cover the costs of review and verifying data. Site inspection in support of permit review can be covered. Compliance monitoring and enforcement activities are not recoverable from fees.

The State expects to change its regulations to a one time generator notification with a notification fee and an annual report processing fee.

The State also expects to go to a 10 year permit and a per-site permit and fee (note this would not preclude a sliding fee schedule based on the number of facilities as in Louisiana's program).

Administrative Experience

The fee system is administered by the Department of Natural Resources and Environmental Protection. The agency collects and processess the fee revenues as they are received with applications and notifications. The money is deposited into the general fund and credited to DNREP in the agency's budget process. Hazardous waste registration and permit application fees have been collected for three years.

The fees are set by regulation. The agency had significant input from industry in setting the fees. The agency can meet with an Advisory Group, made up of manufacturers and the disposal community. This is done before official filing of the proposed regulations. In addition, the Environmental Quality Commission has oversight responsibility. It meets every 1-2 months.

Fees were collected for the permits-by-rule issued by the state after receiving a facility's initial, non-technical application (analogous to interim status conferred under the Federal RCRA program). This will be credited toward the later in-depth, technical review.

The biggest problem with the fee system has become the setting of the levels. The agency does not expect that the fee as established will meet the costs of permit review, yet industry will only "accept" fees based on actual costs. To address this, the agency is carefully monitoring the level of effort currently being required to complete the in-depth review of the technical portions of two applications. Both are for new facilities, an incinerator and a storage facility. While the State can't legally charge directly by the hour as Missouri can, (see the Missouri case study) it will use this tracking mechanism to determine actual costs.

Summary of Program Highlights

- Fees cover notification processing and permit review.
- The agency is tracking review activities in effort to accurately set a fee level that captures all relevant costs. This approach to setting the fee levels was used to implement the solid waste program fee mechanisms.
- Fees must be closely tied to the services rendered and accurately reflect the costs of those services to gain industry acceptance.
- Fee revenues are deposited into the General Revenue Fund and "credited" to the agency during the budget appropriation process.

Case Study 5 - Wisconsin

Enabling Authority

Statute: Wisconsin Statutes Annotated, Chapter 144 - Water, Sewage, Refuse, Mining and Air Pollution, Subchapter IV - Solid Waste, Hazardous Waste and Refuse, Sections 144.43 through 144.48 and Sections 144.60 - 144.76.

Regulation: Wisconsin Administrative Code, Rules of the Department of Natural Resources, Chapter 181 - Hazardous Waste Management (NR181).

Program Description

The Department of Natural Resources administers two hazardous waste fees: a transporter registration fee and a facility permit application fee.

There are approximately 150-200 existing facilities in the state. About 2/3 are on-site. Most are storage or treatment facilities. Two new facilities have applied for permits. Licenses (i.e. permits) are issued in a two step process. The applicant submits a feasibility report. After its approval, an operating plan is submitted. Fees accompany both.

There are 826 solid and hazardous waste transporters. Many transporter services appear to be tied either to generators or facilities.

There are approximately 1100 generators in the State. No licenses or fees are required of them.

Description of the Fee Mechanism

The Facility Permit Application Fee is based on a combined management and technology type criterion. The basic fee runs two years. The increments shown in the table are used to bring every permittee to the same renewal date.

The Transporter Fee is assessed on a per company basis. There are no per-vehicle charges.

The fees are assessed according to the following table:

Facility Type	License Required	Plan Review Req'd.	Plan Review Fees		License Fee Schedule			
			Feasibility	Operation	0-6 mos.	6-12 mos.	12-18 mos.	18-24 mos. & all renws.
Transportation	Yes	No	--	-	25.00	50.00	75.00	100.00
Storage Facilities	Yes	Yes	100	100	50	100	150	200
Landfills	Yes	Yes	1000	1000	375	750	1125	1500
Surface Impoundments	Yes	Yes	500	500	187.5	375	562.5	750
Incinerators	Yes	Yes	300	300	125	250	375	500
Treatment Facilities	Yes	Yes	500	500	125	250	375	500
Other	Yes	Yes	500	500	125	250	375	500
Closure Plans		Yes	--	200	--	--	--	--

There is a 50% or minimum $150 late surcharge.

The license fee is prorated, as is the length of the initial license, to bring all permits to the same anniversary date. The license period for storage or treatment facilities, transportation services and incinerators begin on October 1 of odd-numbered years. Permit renewals are issued for two years.

DNR has been collecting roughly $245,000 per year from its all of its solid waste fee mechanisms. Using this data, they estimate collecting an additional $140,000 every two years from hazardous waste fees. This broken down as follows:

Storage - $40,000
Treatment - 25,000
Landfills - 75,000
plus some plan review fees

DNR collected about $5,000 in late fees last year.

Background in Development of the Fee Mechanisms

A hazardous waste user fee bill was introduced in Wisconsin's legislature in 1976. A legislative study council was formed, the usual procedure, to study the legislation. This council was composed of representatives from environmental groups, Wisconsin's Department of Natural Resources (DNR) and industry. The council agreed upon and supported a final bill which was signed into law in May, 1978. The final rules for the hazardous waste fee schedule became effective in August, 1981.

Successful passage was laid to several causes. First, Wisconsin has a history of user fees in environmental programs, notably in solid waste. Second, industry did not feel that the fee levels were onerous. Third, there was no problem of overlapping jurisdiction; DNR is the only agency assessing a fee for this purpose.

The fee schedule for the State's solid waste program is shown in Figure 3, page 52. The State uses two management type criteria (storage and land disposal facilities) as well as a technology type classification. It can be clearly seen how the hazardous waste program fee mechanisms borrowed their structure from the solid waste program. There are two fees: one for a feasibility report and one for an operating plan. Also, fees are prorated by license period in order to bring all permits to the same anniversary date.

The hazardous waste fees are to be used for the administration of the program. There is no explicit mandate to fully fund the program. There are no policy goals built into the fee structure. Differences in fees are due to actual differences in costs of permit issuance.

Administrative Experience

The fee is administered by Wisconsin's DNR. Fees go to a district office for preliminary review. From there they go to the central office and then to the State treasury. The revenue is posted to a combined hazardous and solid waste account.

The fee levels are set by regulation. The process of promulgating regulations takes approximately 9 months. The license period for disposal facilities begins October 1 of even-numbered years.

The State recognizes that there is overlap and some confusion regarding solid and hazardous waste fees. Combined facilities pay only one fee: whichever is larger.

DNR estimates that fees would have to increase ten-fold to fully fund the program. This would be an unacceptable level to industry. Most facilities were described as small. There are relatively few large firms that could afford large fees.

Summary of State Highlights

- The State has a history of implementing user fees. The solid waste program fees, in particular, have been successful.
- There is no duplication of jurisdiction in assessing fees. DNR is the only agency assessing hazardous waste fees.

Figure 3
WISCONSIN SOLID WASTE PROGRAM FEE SCHEDULE

NR 180	FACILITY TYPE	License Required	Plan Review Necessary	Plan Review Fees		License Fee Schedule			
						Initial License Period			
				Feasibility	Operating	0-6 Mo.	6-12 Mo.	12-18 Mo.	18-24 Mo. All 2-yr. Renewals
	STORAGE FACILITIES								
.07	Containerized	No	No						
	Non-containerized	Yes	Yes	75.	75.	25.	50.	> 5.	100.
.08	Collection & Transportation	Yes	No			12.50	50.	37.50	50.
.09	Transfer Facilities	Yes	Yes		100.	25.	50.	75.	100.
.10	Processing Facilities[1]	Yes	Yes	200.	200.	75.	150.	225.	300.
.11	Incinerators[1]	Yes	Yes	200.	200.	75.	150.	225.	300.
.12	Air Curtain Destructors	Yes	Yes		125.	25.	50.	75.	100.
	LAND DISPOSAL FACILITIES								
	Landfill 0-50,000 yd^3	Yes	Yes	100.	100.	37.50	75.	112.50	150.
	Landfill 50,000-500,000 yd^3*	Yes	Yes	350.	350.	125.	250.	375.	500.
.13	Landfill > 500,000 yd^3*	Yes	Yes	600.	600.	250.	500.	750.	1,000.
	Surface Impoundments	Yes	Yes	350.	350.	125.	250.	375.	500.
	Closure Plans	No	Yes		100.				
.14	Land Spreading Facilities	Yes	Yes	100.	100.	37.50	75.	112.50	150.
.17	Salvage Yards	Yes	Yes		100.	37.50	75.	112.50	150.
.18	Other	Yes	Yes	100.	100.	25.	50.	75.	100.

[1] If an applicant chooses not to submit a feasibility report for a processing facility or incinerator, but rather makes the initial submission the plan of operation, the fee for review of the plan of operation shall be increased by the amount of the fee indicated under feasibility in this table.

*Maximum Design Capacity

Source: Wisconsin Register, July 1981, No. 307

- The receipt is tied to an agency action, i.e. a permit is not issued unless the fee is paid.
- Permit issuance and, therefore, fee collections are staggered on alternate years using a management type criterion.
- Fee levels are set to minimize impacts on small firms, a significant portion of the regulated community.
- Fee levels necessary to fully fund the hazardous waste program would be unacceptable to industry.

Case Study 6 - California

Enabling Authority

Statute: California Health and Safety Code, Division 20, Chapter 6.5 Hazardous Waste Control. Assembly Bill No. 1012, an act to amend the Vehicle Code relating to hazardous material.

Regulation: California Administrative Code, Title 22, Social Security, Division 4, Environmental Health, Chapter 30 - Minimum Standards for Management of Hazardous and Extremely Hazardous Wastes.

Program Description

The hazardous waste fees are administered by the Department of Health Services (disposal fees) and by the Highway Patrol (transporter fees).

The disposal site fee is a monthly generator tipping fee. It is charged to the facility owner and passed back to the generator.

Transporters are assessed an annual registration fee and an annual inspection fee.

California's regulated community includes:

Facilities	895
Off-Site Storage	60
Off-Site Treatment	30
Off-Site Disposal	35
On-Site All Types	770
Transporters	2760
Generators	6366

Description of the Fee Mechanisms

The California program has established three types of hazardous waste fees. A facility fee, a transporter registration fee and a transporter inspection/certification fee.

The Disposal Fee is segmented by an on/off-site criterion. The off-site fee is a essentially a generator tipping fee for land disposal. The State explicitly expects the fee to be passed back to the generator. The on-site disposal fee is a volume charge as well.

Off-site disposal facilities must pay:

(1) One dollar for each load of hazardous waste, delivered to him other than by pipeline, which weighs one ton or less and which he disposes of on land or applies to land.

(2) One dollar for each load or one dollar per ton, whichever is greater, for each load of hazardous waste, delivered other than by pipeline, which weighs more than one ton and which is disposed of on land or is applied to land.

(3) One dollar per ton for all hazardous waste delivered to him by pipeline, based on the weight disposed of on land or applied to land.

No more than $2,500 need be paid the Department for any amount of hazardous waste received from one specific site owned by a specific producer of hazardous waste during one month.

For on-site disposal the facilities must pay a fee of one dollar per ton to the Department for the first 2,500 tons of hazardous waste which he disposes of, on, or into land, or applies to land in any one month. No more than $2,500 need be paid the Department for any amount of hazardous waste disposed of at one specific on-site hazardous waste facility in one month. Roughly 80% of the generators are paying less than the maximum $2,500 fee each month. Disposal fee revenues for 1981-82 are estimated to be $2,258,000.

The Transporter Registration Fee is a base fee plus a per vehicle charge for firms over a certain size:

$50.00 to register the firm,
$15.00/vehicle if the company's gross annual revenues
exceed $35,000.

The Transporter Inspection Fee is a base fee of $50.00/company.

Background in Development of the Fee Mechanism

The State's position is that user fees on the regulated community are the only equitable way to fund the hazardous waste program. California has a statutory mandate that all hazardous waste management costs be covered by fees paid by hazardous waste disposal facilities. The fees are deposited into the Hazardous Waste Control Account in the State's General fund and continuously appropriated to the Department of Health. The present fee level has been constant for four years. Program growth has been funded by increasing Federal program grants and increases in the tonnage of hazardous wastes assessed the fees. Presently, with Federal grants and waste tonnage decreasing, a need to significantly increase the fee revenues is recognized.

The facility fee, set up as a tax on the volume of waste, met the statutory mandate that generators fund the system. Thus, even though the off-site facility pays the fee, it can easily be added to the generator's bill as a surcharge. The original facility fee level was determined by the Hazardous Waste Management Branch of the Department of Health Services. Changes in the fee levels are made by rulemaking which is ordinarily a nine month process.

The State is currently in the process of revising the fee system. The initial proposal is calling for a four-fold increase in the tonnage fee to cover the costs of a greatly expanded program. The new proposal is for a $4.00 per ton fee with a 2500 ton cap. That is, only the first 2500 tons would be subject to assessment. This would bring the maximum annual assessment up to $120,000 from $30,000. The proposal for on-site disposers inadvertently left intact the $2500 monetary cap. The Department estimates this will result in $130,000 less annual revenues. Instead of reproposing changes to the State's regulations they are dealing with this problem in the development of the fee system described in the next paragraph.

The Department has estimated that FY 1982-83 expenditures will be $8.074 million. In testimony on the proposed $4 per ton charge revenues were estimated as follows:

Tonnage Base -Seasonal Averages

Low Average = 178,000 tons/mo. (Fall/Winter)
High Average = 203,000 tons/mo. (Spring/Summer

7/1/82 - 8/15/82 [1]

1.5 mo. x 203,000 tons x$1.00 = $ 300,000

8/15/82 - 6/30/83

10.5 mo. x 180,000 tons [2] x $4.00 = $7,560,000
Total Fee Revenue $7,860,000

[1] There is a six week lag time in collection of fees

[2] Weighted average reduced by 6% to account for reduced cap

The proposal is meeting opposition from industry which feels that a fixed tonnage fee is inequitable. The argument is that a fixed tonnage fee penalizes low toxicity/high volume waste generators and subsidizes high toxicity/low volume waste generators. Industry wants a degree of hazard approach similar to that used in California's Superfund structure. This four-category structure was originally developed by the industry.

In early March, AB 1543 was signed into law requiring the Department to adopt a fee system based on degree of hazard by January 1, 1983. Work on this new system was to begin in May.

Administrative Experience

Fees are being collected from 160 off-site and 693 on-site facilities. Approximately 800 transporters paid fees last year. The number of transporters fluctuates greatly around 800 from year to year.

At first, the Health and Safety Code required operators to send disposal fees to the Department. Industry complained that enforcement of fee collections has been minimal with the result being that compliers were paying for the entire program. This poor collection experience led to a statutory change in 1981 which empowered the Board of Equalization (the State's "IRS") to collect the fees. Collections have since increased 60-90%.

The facility fees are deposited in the Hazardous Waste Control Account in the General Fund and are continuously appropriated for expenditure to the Department under mandate of law. Transporter fees are collected by the Highway Control subsequent to an inspection which is conducted in conjunction with granting certification. They are assessed "for the privilege of engaging in the business" (Section 25166 of the Act) and are charged for administering that part of the program (Section 25167).

There have also been some problems with California's "Proposition 13." It is being argued that the fees constitute a tax and therefore must be legislatively approved by a 2/3 majority. It is not clear where this dispute will end up as the hazardous waste statute is explicit about setting fees to fully fund the program.

There is a loophole in the fee mechanism that some firms are using to lower their assessments. Because the fee is a monthly charge on disposal, a firm may store wastes on site for several months and eventually dispose of the accumulated waste in one month. In this way there is no charge for several months and then a maximum charge of only $2500 in the disposal month.

Summary of Program Highlights

- A major objective of the State's facility fee is to discourage land disposal of hazardous waste.
- Revenue needs, based on the approved budget, are apportioned among sites to determine fee level (the "macro" approach towards setting fee levels).
- Fee system is to be based on degree of hazard by January 1983.
- Fees are now collected by the State's tax collection agency and not the hazardous waste agency. Collection efficiency increased 60-90% with this change.
- A monthly assessment, in conjunction with a cap, may enable avoidance of some fees.

Case Study 7 - New Jersey

Enabling Authority

New Jersey has four laws which require the collection of hazardous or solid waste fees:

Statute:

(1) New Jersey Statutes Annotated, Title 13, Conservation and Development - Parks and Reservations, Chapter IE - Solid Waste Management (Section 18 establishes the collection of fees).

(2) The New Jersey Recycling Act (PL 1981) Solid Waste Recycling Tax (establishes the collection of a solid waste tipping fee that is under litigation).

(3) The Sanitary Landfill Facility Closure and Contingency Fund Act (establishes two solid waste disposal tipping fees, and both are under litigation), one for closure and one for "contingencies."

(4) The Major Hazardous Waste Facility Siting Act (establishes the collection of 3 fees on "major" hazardous waste facilities).

Regulation: The New Jersey Administrative Code, Title 7, Chapter 26, The Solid Waste Management Rules, (Section 4.3 - 4.7 establishes the fee schedules adopted under the Solid Waste Management Act).

Program Description

The Department of Environmental Protection administers the hazardous and solid waste fees in New Jersey. The hazardous waste program is a subset of the solid waste program. Specific hazardous waste program fees, therefore, are additional assessments under the State's solid waste fee schedule.

The State has 580 hazardous waste facilities as follows:

	On-Site	Off-Site
Treatment	31	-
Storage	318	5
Disposal	6	-
Treatment/Storage	193	7
Treatment/Disposal	2	-
Storage/Disposal	5	-
Treatment/Storage/Disposal	11	2
Total	566	14

There are approximately 590 transporters and 2865 generators. Generators must generate more than 100 kilograms per month to be included in the system.

Description of the Fee Mechanisms

Facility Fees are charged under the Solid Waste Management Act. The State has three types of fees:

- $50 annual registration fee (a base fee). It costs an additional $50 to transfer it.
- Up to $500/quarter inspection and regulation fee (a monitoring/surveillance fee with a legislative cap).
- $500 engineering design review fee (an application fee).

The above fees are not charged to on-site hazardous waste facilities but are charged to off-site hazardous waste facilities and all solid waste facilities.

Transporter Fees are assessed annually. Transporter registration fees are:

$20.00 per vehicle (solid waste)
$50.00 per vehicle (hazardous waste).

Other Fees. The recently-passed solid waste tipping fees are under litigation. State fees under the Major Hazardous Waste Facility Siting Act are not yet being implemented.

Total revenues collected from facility registration, inspection and engineering design fees under the solid waste management act:

FY 80	$248,593
FY 81	$211,285

Background in the Development of the Fee Mechanism

New Jersey began collecting solid waste fees under the Solid Waste Management Act in 1974. The registration, inspection, and engineering design review fees are defined in that law with a cap on the last two. These are the only fees being collected by the State hazardous waste program. The State is not attempting to fully fund its hazardous waste program with these fees.

The Solid Waste Management Act enables fees for any service the Department of Environmental Protection performs in connection with the Act. Fees therefore can be tied to specific program activities such as permit application review, inspections, etc. In 1974 the Department audited the types of services it provided to the solid waste industry. The fee types chosen reflected some of the major services provided by the State (design review, inspection/regulation, and registration). The variable quarterly inspection fee was developed as a way to more realistically recoup the costs of State services, especially in the case of larger facilities.

The New Jersey fee approach gradually evolved to its present form. Fees for solid waste facilities were initially established in 1974. A few interested members of the legislature were involved in drafting the original fee levels. Because solid waste management had a low profile in the State, the establishment of the original fee approach was not considered controversial. These fees are now assessed against solid and hazardous waste facilities except on-site hazardous waste facilities which do not pay the fee.

State officials visited expressed an interest in charging fees to waste generators to get them to help pay for the program. The U.S. Supreme Court ruled against New Jersey regarding their ban of shipments of waste into the State, yet DEP estimates that 40% of the wastes disposed in New Jersey come from out of state. These out-of-state generators do not contribute to the general fund in New Jersey through regular channels of taxation. User fees are being argued as a mechanism which could protect general revenues from problems caused by out-of-state entities.

The State has two other broad initiatives in the area of fees that are worthy of note: those enabled under the Major Hazardous Waste Facility Siting Act and "tipping fees." The following discussion of these fee approaches provides an important background to the development of hazardous waste fees in New Jersey in the future.

The Major Hazardous Waste Facility Siting Act. This law was passed on January 1, 1982. The State fees enabled under the Act will be tied to State services provided to "major" hazardous waste facilities. A major facility is defined as having a 250,000 gallon capacity. There currently are approximately 11 of them in New Jersey. These facilities are required to pay 5% of their gross receipts from their previous year's sales to reimburse local municipalities for the costs added to local services, including:

(1) extra police and fire costs made necessary by the major hazardous waste facility;

(2) local inspection program costs incurred by local board of health or county health department;

(3) road construction or repair costs; and

(4) other expenses directly related to the impact of the facility on the municipality.

This 5% fee/tax is apparently being paid.

The Siting Act also provides authority to collect fees from major facilities to recover the costs of weekly State inspections and the "reasonable" costs in the review of applications. Also allowed is the reimbursement of local government for the cost of their review of major facility applications (up to $15,000). All these fees are not yet being collected. The State has appropriated $500,000 for the preparation and adoption of a fee schedule which was proposed in State regulations but is not yet adopted.

State Tipping Fees. The first State tipping fee for municipal wastes was instituted in 1976. The fee's major purpose was to have the facility operator pass back the fee through the waste hauler to the generator. A State court ruled that such automatic pass-through of fees was unconstitutional under State law. The fee was terminated and the revenues collected were returned.

The State legislature passed two laws containing three more tipping fees effective January 1, 1982:

(1) The Sanitary Landfill Facility Closure and Contingency Fund Act established a 45¢ per cubic yard fee for solid waste disposed in landfills. Two thirds of the fee is to go to an escrow fund to pay for the closure of the facility. One third goes to the State Treasury into a contingency fund to pay for "damages for property" caused by sanitary landfills in general. The State Treasury Department collects this fee which, in some ways, replaces the solid waste tipping fee that was overruled by the courts in 1977.

(2) The New Jersey Recycling Act (PL 1981) Solid Waste Recycling Tax requires a fee of $0.12 per cubic yard tipping fee ($.06 in 1986) be assessed at the landfill. The fees are placed in a non-lapsing, revolving fund to be jointly administered for the promotion of recycling by the Department and the State Energy Agency. The fund will be used as follows:

- 45% for recycling grants to municipalities,
- at least 20% for loan guarantee and low interest loans for recycling businesses and industries,
- not more than 10% for program funding and administration,
- not more than 10% for county and municipal administration expenses, and
- at least 15% for public information.

Litigation challenging these tipping fees is pending. The main question at issue is whether out-of-state industries should pay fees for which they claim they would not receive a benefit.

The State recently considered a 15¢ per cubic yard fee which would be charged for all solid (including hazardous) wastes disposed in New Jersey landfills. Revenues would go to counties for planning (about 37%,) and the remainder would go to DEP. The proposed legislation (A 2282) provided that the fee revenues would be made available for monitoring, regulating and enforcing both solid and hazardous waste activities. Opposition to using the revenues for funding hazardous waste management controls prevented passage.

Administrative Experience

When the State's tipping fee was in operation in 1976, daily record books were kept at landfills. Each truck, its cubic yard capacity and its license number was entered into the log. These records were subject to inspections and the operators provided monthly totals and payments to the Department.

In general, the DEP collects the facility-related fees. They are recorded and then sent to the Treasury. The Agency cannot draw on these funds directly because dedicated funds are not usually established as part of the normal State budgetary process. DEP keeps an accounting of revenues collected and uses these figures to support the program's budget requests.

Fee payments for operation and collection/hauler registration are due on July 1 of each year. Using the previous year's fee statements, notices are sent to all operators and haulers announcing the amount of fee payment due in the next year. Following quarterly billing notices, landfills and special waste facilities pay inspection and regulation fees before July 1, October 1, January 1, and April 1 of each year. Landfills and special waste facilities pay one-time engineering design review fees at the time they submit their application.

Presently, fees are only payable by check to the Department. Check amounts are logged-in, then the checks are transferred to the Treasurer to be deposited in the general treasury. Information concerning fees is eventually included in the Department's computerized management information system. The fee billing system will fully computerized in July, 1982.

Facilities which are late or refuse to pay the fees are subject to late fees and penalties, respectively. Cases of nonpayment of fees are submitted to the State Attorney General's Office for action if fees remain unpaid. It is highly unlikely that a facility would be closed because of non-payment of fees because facilities are public utilities and are perceived as fulfilling a public need by staying open.

Summary of Program Highlights

- The State's fee system is to be fully computerized in July, 1982.
- The State's current purpose is to partially fund its hazardous waste program with fees.
- The State currently charges quarterly inspection/regulation fees.
- The State does not assess fees on on-site hazardous waste facilities.

Bibliography

California Department of Health Services, Hazardous Waste Management Branch. Personal communicationwith HWMB personnel. March 1982.

Eigner, Joseph, President, Joseph Eigner Company, Inc. Personal communication. March 1982.

General Accounting Office, "Hazardous Waste Management Programs Will Not Be Effective: Greater Efforts are Needed," CED-79-14. January 1979.

Hernandez, Manny, Louisiana State Representative. Personal communication. March 1982.

Holman, Libby, Administrative Assistant to Ohio State Representative Thomas Gilmartin. Personal communication. March 1982.

JRB Associates. Analysis of State Hazardous Waste User Fee Systems and Recommendations for the Commonwealth of Pennsylvania. April, 1982.

Kentucky Department of Natural Resources and Environmental Protection, Division of Hazardous Material and Waste Management. Personal communication with HMWMD personnel. March 1982.

Louisiana Department of Natural Resources, Office of Environmental Affairs, Hazardous Waste Management Division. Personal communication with HWMD personnel. March 1982.

Missouri Deparmtent of Natural Resources, Division of Environmental Quality. Personal communication with DEQ personnel. March 1982.

New Jersey Department of Environmental Protection. Personal communication with DEP personnel. March 1982.

O'Brien, D., User Fees: A State Regulation Survey. Office of Solid Waste, United States Environmental Protection Agency, Washington, D.C. August 1979.

Office of Solid Waste. Solid Waste User Fees: New Jersey Case Study. United States Environmental Protection Agency, Washington, D.C. January 1980.

Office of Solid Waste. Solid Waste. User Fees: Wisconsin Case Study. United States Environmental Protection Agency. Washington, D.C. November 1979.

Ohio Environmental Protection Agency, Office of Land Pollution Control. Personal communication with OLPC personnel. March 1982.

Wisconsin Department of Natural Resources, Bureau of Waste Management, Personal communication with BWM personnel. March 1982.

APPENDIX A

NGA/ASTSWMO SURVEY QUESTIONS

NGA/ASTSWMO SURVEY QUESTIONS

D. Permit/User Fees

13. Due to Federal budget cutbacks there is a greater interest in using permit fees to cover the costs of regulatory activities. Does your agency have authority to charge permit fees? If not, are there currently efforts underway to develop such authority?

14. Do you presently charge permitting or processing fees? If not, do you plan to in the future? When?

IF YOU HAVE A FEE SYSTEM, PLEASE ANSWER QUESTIONS 15 and 16. IF YOU DO NOT, PLEASE ANSWER QUESTION 17.

15. If you charge permit user fees:

    a. What kind of fee do you charge (a one-time permit processing fee? an annual inspection or operating fee? Please specify).

    b. How long has the program been in place?

    c. Who sets the fees?

    d. On what are the fees based (size of the source? amount of emissions?)

    e. Who collects the fees?

    f. Where does the money go? (to the State general fund, earmarked fund, permitting agency, or other).

    g. What is the approximate annual income from the fees? As a percentage of your operating budget? Is the income equal to what was expected?

    h. Are the fees considered a part of your State appropriation?

    i. Is there a fee schedule? If so, please provide it.

    j. How is collection enforced? Are there penalties?

    k. Are the fees set to cover a portion of your administrative costs? If so, what portion? (Processing, Appeals, Inspection, etc.)

    l. How can your agency access the revenues (e.g., through the appropriations process or immediate, ongoing access)?

16. The answers to these questions will be confidential. Please answer to the best of your ability.

a.. Past Alternatives: To your knowledge, what other funding alternatives besides the present fee structure and general revenue receipts have been considered, if any, to fund the hazardous waste program?

b. Future Options: Considering the decreasing Federal budget, what additional funding sources appear feasible (such as new fees, increase in the fee schedule, or increased general revenues)?

c. Carrying Capacity: How much of the costs of the hazardous waste program could realistically be funded through the fees presently in effect?

d. Support/Opposition: What constituency groups support and oppose the fees in the State? What arguments have been most persuasive in support or opposition to the fees?

e. Followup: We would like to develop some activities as followup to this questionnarie that would be useful to States with and without fees. Besides supplying survey results, what activities would be helpful to you now or would have been useful in the development of your fee system (such as workshops, conference calls, or model regulations)?

17. a. Has your agency ever considered proposing a fee system for the hazardous waste program?

b. If so, what type of fees were considered?

c. Have you attempted to get legislative authority or otherwise implement a fee system? If not, why not?

d. If you tried to get such authority and did not succeed, what were the reasons?

e. If EPA's funding of State program decreases, will the current level of fundgin be maintainted by the State? If so, how?

f. What do you believe are the institutional and political barriers to instituting a fee system in the State?

APPENDIX B

NGA/ASTSWMO COVER LETTER

ASTSWMO
Association of State and Territorial Solid Waste Management Officials
444 North Capitol Street, N.W. • Washington, D.C. 20001 • 202-624-5828

February 9, 1982

OFFICERS

Norman H. Nosenchuck, P.E.
President
New York

Richard A. Valentinetti
Vice-President
Vermont

Jack M. McMillan
Secretary-Treasurer
Mississippi

Jack C. Carmichael, P.E.
Past-President
Texas

BOARD OF DIRECTORS

H. A. Caves
Oklahoma

Donald A. Lazarchik, P.E.
Pennsylvania

Jack M. McMillan
Mississippi

Norman H. Nosenchuck, P.E.
New York

Dale W. Parker, Ph.D.
Utah

Maurice W. Shell
Nebraska

Earl Tower
Washington

[illegible]
[illegible]

Richard A. Valentinetti
Vermont

Dale Wikre
Minnesota

David P. Duncan
Executive Director

[illegible]
Technical Director

Dear

ASTSWMO and the National Governors' Association (NGA) are conducting a survey of States to determine the impact of Federal budget cuts on hazardous waste programs and the ability of States to provide funds through fee systems. NGA will also survey the impact of the budget cuts on the air and water programs. As part of this effort, questionnaires for these three areas are being sent to the Governors' offices to answer some questions and then will be distributed to the individual program directors. You should be getting that survey soon, if you have not already. It will be identical to the attached one except for our additional questions on fee systems.

This information will be useful in knowing the changes in program implementation that the cuts will cause and helpful in informing States of the status and potential of types of fee systems. While the cuts may not be as severe this year as mentioned in some questions, your answers will be helpful in case of additional cuts in the future.

There are two parts to this survey. First, please complete the questionnaire on the impact of the budget cuts and your fee system. The information on the fee system from Part D will give us and other States a more complete picture of how your progam operates, its strengths and shortcomings, and your plans for the future. Second, please review the attached summary sheet on user fees in your State. This data is based on our knowledge of your statutes and regulations and we would appreciate your confirming and correcting this information.

Please return the questionnaire to me by February 26. We will complete the study in March and provide you with a copy of the analysis then. Thank you for your help in this work.

Sincerely,

David Duncan

DD/mg
Enclosure

Association of State and Territorial Solid Waste Management Officials
444 North Capitol Street, N.W. • Washington, D.C. 20001 • 202-624-5828

February 9, 1982

OFFICERS

Norman H. Nosenchuck, P.E.
President
New York

Richard A. Valentinetti
Vice-President
Vermont

Jack M. McMillan
Secretary-Treasurer
Mississippi

Jack C. Carmichael, P.E.
Past-President
Texas

BOARD OF DIRECTORS

H.A. Caves
Oklahoma

Donald A. Lazarchik, P.E.
Pennsylvania

Jack M. McMillan
Mississippi

Norman H. Nosenchuck, P.E.
New York

Dale W. Parker, Ph.D.
Utah

Maurice W. Shell
Nebraska

Earl Tower
Washington

[illegible]
[illegible]

Richard A. Valentinetti
Vermont

Dale Wikre
Minnesota

David R. Duncan
Executive Director

Jacqueline M. Tams
Technical Director

Dear

ASTSWMO and the National Governors' Association (NGA) are conducting a survey of States to determine the impact of Federal budget cuts on hazardous waste programs and the ability of States to provide funds through fee systems. NGA will also survey the impact of the budget cuts on the air and water progams. As part of this effort, questionnaires for these three areas are being sen to the Governors' offices to answer some questions and then will b distributed to the individual program directors. You should be ge ting that survey soon, if you have not already. It will be identi to the attached one except for our additonal questions on fee syst

This information will be useful in knowing the changes in pro implementation that the cuts will cause and helpful in informing States of the status and potential of types of fee systems. While the cuts may not be as severe this year as mentioned in some of th questions, your answers will be helpful in case of additional cuts in the future.

To our knowledge, your State has not instituted a fee system the hazardous waste program. If this is correct, question 17 is i tended to give us information about your experiences and plans in area. If you do have a fee system, questions 15 and 16 will offer picture of the strengths and weaknesses of hazardous waste fee sys tems as well as States' plans in this area.

Please return the questionnaire to me by February 26. We wil complete the study in March and provide you with a copy of the ana ysis then. Thank you for your help in this work.

Sincerely,

David Duncan

DD/mg
Enclosure

Reproduced from
best available copy.

APPENDIX C

CORRELATION OF PROGRAM SIZE TO FEE IMPLEMENTATION

Table C-1
RELATIVE STATE PROGRAM SIZE

State	Size* Category	State	Size* Category
Alabama	D	Montana	B
Alaska	C	Nebraska	A
American Somoa	A	Nevada	A
Arizona	C	New Hampshire	A
Arkansas	B	New Jersey	D
California	E	New Mexico	A
Colorado	C	New York	E
Connecticut	C	Northern Marianas	A
Delaware	A	North Carolina	D
District of Columbia	A	North Dakota	A
Florida	D	Ohio	E
Georgia	D	Oklahoma	C
Guam	A	Oregon	C
Hawaii	A	Pennsylvania	E
Idaho	B	Puerto Rico	B
Illinois	E	Rhode Island	B
Indiana	D	South Carolina	C
Iowa	C	South Dakota	A
Kansas	C	Tennessee	D
Kentucky	D	Texas	E
Louisiana	D	Utah	B
Maine	A	Vermont	A
Maryland	C	Virginia	C
Massachusetts	D	Virgin Islands	A
Michigan	E	Washington	C
Minnesota	C	West Virginia	D
Mississippi	B	Wisconsin	D
Missouri	C	Wyoming	A

*Based on grant formula in 40CFR35.706(a):

40% — relative population

40% — relative amounts of hazardous waste generated

15% — relative number of generators

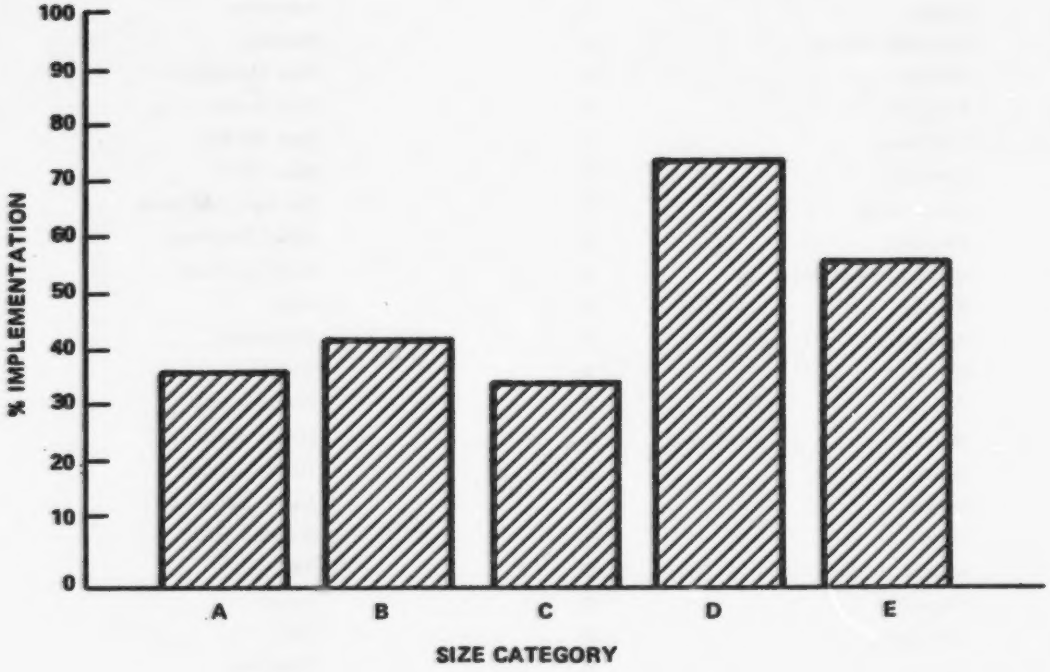
5% — relative land area

Programs range from A (the smallest) to E (the largest)

Source: ORIA, EPA — April 1980

Figure C-1

CORRELATION OF PROGRAM SIZE TO FEE IMPLEMENTATION



Size Category	# in Category	# Implementing Fees	% Implementing Fees
A	16	5	31%
B	7	3	43%
C	14	5	36%
D	12	9	75%
E	7	4	57%
TOTAL	56	26	46%

Source: Fred C. Hart Associates, June 1982

APPENDIX D

STATE FEE MECHANISM DESCRIPTIONS

This appendix contains brief descriptions of the remaining thirteen States that have implemented fee systems for their hazardous waste regulatory programs. These descriptions complement the in-depth case studies provided for seven States in Chapter IV.

ARKANSAS

Authority

Statute: Arkansas Hazardous Waste Management Act of 1979 (Act 406 of 1979)

Regulation: Arkansas Hazardous Waste Management Code.

Government Entity Implementing the Program

Department of Pollution Control and Ecology

Description of User Fee

A permit fee is established for the construction and/or operation of a hazardous waste management facility covering the active portions of the facility. Commercial facilities are distinguished from non-commercial facilities for fee schedules. Subcategories of fees are: 1) initial permit application fee, 2) five-year permit renewal fee, and 3) annual permit evaluation fee.

Each land farm or landfill within a facility identified above will be assessed an additional fee for each acre (active portions).

Each storage vessel or containment basin 1000 gallons or more on a facility identified above will be assessed an additional fee.

Owners of facilities that dispose of wastes from military explosives and/or chemical agents will be assessed fees on a case-by-case basis.

Facility permit modification fees are charged. The basis of the fee is a formula which considers the initial permit application fee, and the annual operating capacity of the facility both proposed and actual.

On-site inspection costs are charged in advance when it is necessary to maintain Department inspectors on the construction or operational site.

Transportation of hazardous waste must be permitted both as a business and by each vehicle.

Fee Schedule

a) Facility Permit

Category	Commercial Facility	Non-Commercial Facility
Initial	$5000	$1000
5 Yr. Renewal	"	"
Annual evaluation	"	"

b) Land farm or landfill assessment (in addition to "a)" above)

1)	Land farm waste from more than one generation	$1000/yr/acre
2)	Landfarm waste from only one generator	$500/yr/acre
3)	Landfill, commercial	$5000/yr/acre
4)	Landfill, non-commercial	$1000/yr/acre

c) Storage vessel or containment basin (over 1000 gal)

$1/1000 gallons/each vessel

d) Wastes from military explosives and chemical agents will be determined on a case-by-case basis.

e) Permit modification based on the formula

$$\text{Fee} = F \times \left(\frac{C_1 + C_2 - {}^2/_3 F}{C_1}\right)$$

F = initial permit fee

C_1 = annual operating capacity under existing permit

C_2 = difference between proposed annual operating capacity and C_1.

f) Inspection Costs are based on actual anticipated costs. Payments are made quarterly.

g) Transportation fees are a base fee of $100 renewable every 5 years.

h) Manifests must be purchased from the State at a price of $2.00 per manifest.

Impact/Intent for State Financing

The purpose of the facility fees is to recover the costs of processing permit applications, on-site monitoring and certification of personnel. The purpose of the transportation fees is to cover permit administrative costs and the cost of the manifest system.

HAWAII

Authority

Statute: Solid Waste Disposal Act, Chapter 184, Amended by Laws of 1979, Chapter 151.

Regulation: Solid Waste Regulations, Section 2(k)

Government Entity Implementing the Program

Department of Health

Description of User Fee

A one time filing fee for permit applications.

Fee Schedule

Currently $20 per application. It will soon be raised to $50.00.

Impact/Intent for State Financing

Fee revenues are supposed to cover processing of the application.

INDIANA

Authority

State: Indiana Code, Title 13, Environment, Article 7 - Environmental Management, Chapter 8.6 and 8.7.

Indiana Code Section 6-6, as amended by House Act No. 2025 sect. 2(a), 1981 Session.

Regulation: Stream Pollution Control Board Regulation SPC 17 - Industrial Waste Hauler Permit Regulation.

Government Entity Implementing the Program

Environmental Management Board (except for the Stream Pollution Control Board Regulation).

Description of User Fee

The Waste Hauler regulation establishes a transporter user fee. The waste includes liquid waste incident to an industrial or commercial activity. On-site haulage is excluded.

A certificate of environmental compatability is necessary in order to construct a hazardous waste facility. The applicant may have to pay an annual fee to the hazardous waste training trust fund as determined by the board.

Fee Schedule

The industrial waste hauler fee is set at $100 plus $10 for each additional vehicle application.

The annual fee for training is based on the estimated cost of the education and training needed by the affected community.

Impact/Intent for State Financing

The waste hauler fee will be used to help defray the cost of administering the waste hauler program.

The training fee helps pay local health and public safety officials and employees to be trained in order to provide emergency response service in connection with transportation of hazardous wastes to, and treatment, storage, and disposal of hazardous wastes at the proposed facility.

KANSAS

Authority

Statute: Kansas Statutes Annotated, Title 65, Public Health.

Regulation: Kansas Administrative Regulation, Title 28 - Department of Health and Environment, Article 29 - Solid Waste Management.

Government Entity Implementing the Program

Department of Health and Environment

Description of User Fee

The State fee system consists of fees for:

1) TSDF permits;
2) Transporter permits; and
3) Monitoring.

Fee Schedule

1) TSDF permit fees are established at $50/year
2) Transporter fees are established at $100/year
3) Annual Monitoring fees:

Storage facilities:
On-site $100   Off-site $500

Treatment facilities:
On-site $250   Off-Site $1000

Disposal facilities:
5¢/cubic yard

Radioactive hazardous waste
storage or disposal facilities

$300,000 first year
$45,000 subsequent year

Transporters: $100

Impact/Intent for State Financing

Fees from TSDF permits will be deposited in the state general fund

Experience to Date With Program

Fees have raised approximately $80,000 per year

Other Factors/Future Plans

Fee revenues are currently deposited into the general fund. This session, the legislature will recommend that these revenues be earmarked for the administrative costs of the state's hazardous waste program.

The original intent of the fees was never clarified. They were to have been sufficient to reimburse costs to the State of monitoring hazardous waste sites. There was widespread support for fees covering all administrative costs of the hazardous waste program.

The Agency has received permission to change the fee structure from per-ton or per-barrel charges to a flat fee for range of facilities. It is in the process of making these changes. There is a legislative assumption that industry will support some raise in fees. Fee receipts did not meet projections for FY-80 or FY-81 by a wide margin.

MARYLAND

Authority

Statute: Maryland Natural Resources Code, Title 3, Environmental Programs, Subtitle 7 - Hazardous Waste Facility Siting Program.

Regulation:

- Code of Maryland Regulations, Title 10, Department of Health and Mental Hygiene, Subtitle 51 - Disposal of Designated Hazardous Substances (DHS).
- Code of Maryland Regulation, Title 14, Independent Agencies, Subtitle 14 - Hazardous Waste Facilities Siting Board.

Government Entity Implementing the Program

Statute:	Department of Natural Resources
Regulation:	Department of Health and Mental Hygiene

Description of User Fee

The regulation Title 10 establishes a permit fee applicable to the operation or maintenace of a TSD facility. Fees are based on acerage, nature and quantity of wastes, potential threat, anticipated costs of monitoring and regulating, etc.

Title 14 of the Regulations sets an application fee for a TSDF.

Fee Schedule

The annual operation permit fee is $50 as a minimum. The application fee is set at $10,000.

Impact/Intent for State Financing

The law says that the fees are to be used "... to recover the costs of processing applications ad issuing certificates."

MASSACHUSETTS

Authority

Statute: Massachusetts General Laws, Chapter 21C and Chapter 21D.

Regulation: Code of Massachusetts Regulations, Title 315, Hazardous Waste Board, Chapter 2 - Hazardous Waste Regulations.

Government Entity Implementing the Program

The Department of Environmental Quality Engineering

Description of User Fees

The Act requires a hazardous waste licensing program with fees for transporters and fees for facility operators. Storage at the site of generation for 90 days or less need not be licensed according to the regulations.

It is also possible under Chapter 21D for a facility developer to be charged additional reasonable fees as compensation to communities abutting a proposed hazardous waste facility site.

Fee Schedule

Transporters shall pay an annual fee of $200 for each vehicle.

Facility operators will pay an annual fee of $100 for hazardous waste licenses.

Impact/Intent for State Financing

The fees collected are for the purposes of administration and enforcement. See also the community impact fees noted above.

Other Factors/Future Plans

The regulations implementing a new fee schedule for 1982 are expected to be promulgated shortly. It will distinguish between transporters and facilities. Facility fees will be based on capacity and whether it is an on-site or off-site facility.

MICHIGAN

Authority

Statute: Michigan Compiled Laws, Chapter 299 - Conservation -State Department.

Regulation: Michigan Administrative Code, Rules of the Department of Natural Resources, Environmental Services Division, R 299.6101 through .7305 - Hazardous Waste Management.

Government Entity Implementing the Program

Department of Natural Resources

Description of User Fee

There are separate fees for:

1) Disposal facility construction permit application
2) Disposal facility operating license application
3) Hazardous waste hauler
    a) Business license application
    b) Vehicle license application

Fee Schedule

The Construction Permit Fee is determined from the following fee schedule:

		Landfills and inground disposal and storage	Other treatment and long-term storage
(1) Site size	(a) Less than 5 acres	$100.00	$50.00
	(b) 5 to 19 acres	170.00	100.00
	(c) 20 to 79 acres	240.00	100.00
	(d) 80 acres or more	320.00	100.00
(2) Projected waste volume per day	(a) Less than 50 cubic yards or 10,000 gallons	60.00	50.00
	(b) 50 to 100 cubic yards or 10,000 to 20,000 gallons	80.00	100.00
	(c) 101 to 700 cubic yards or 20,000 to 140,000 gallons	100.00	100.00
	(d) More than 700 cubic yards or more than 140,000 gallons	130.00	150.00

Michigan (Continued)

(3) Hydrogeological characteristics	(a) Natural clay	40.00	-
	(b) Natural sand	60.00	-
	(c) Compacted clay	70.00	-
	(d) Artificially lined (other materials)	100.00	-
	(e) Any combination of above	100.00	-
	(f) Surface water on site	-	75.00
(4) Type of facility	Landfill	9000.00	
	Incinerator	7200.00	
	Other method of disposal involving: (a) Actual or potential air emissions (b) Surface water discharge (c) Placement of materials into the land or potential groundwater discharge	7200.00 if none or 1 of (a), (b), or (c) applies; 8100.00 if 2 of (a), (b) or (c) apply; 9000.00 if (a), (b), and (c) all apply.	

The Operating License fee is set at $500.00. (renewal term unspecified)

The fee for hazardous waste hauler is $500.00 (renewal term unspecified).

The fee for vehicles is $200 for each waste-hauling portion of each vehicle to be used for transporting hazardous waste. (renewal term unspecified).

Impact/Intent for State Financing

The construction permit fee is based on the cost to the department of reviewing the permit application. Fees are deposited in the general fund.

Although the intent of the other fees is not specified, it is assumed that it is to help defray administrative expenses incident to reviewing and issuing the permits. The fees are deposited to the state general fund.

Other Factors/Future Plans

The legislature recognizes that the fees are not sufficient to cover all administrative costs. There is an intent to address this situation during this session.

Earlier there was some commitment to establish a tonnage surcharge on hazardous waste disposal. This would be used for administrative costs. However, this was just at the discussion stage, with pressure not to implement it.

NEW HAMPSHIRE

Authority

Statute: New Hampshire Revised Statutes, Chapters 147-A - Hazardous Waste Management, 147-C - Hazardous Waste Facility Review.

Regulation: New Hampshire Rules (He-P 1905.09)

Government Entity Implementing the Program

Department of Health and Welfare, Bureau of Solid Waste Management.

Description of User Fee

The Act establishes separate fees for 1)transporters, 2)facility operators. Fees are paid for permits to transport wastes, and permits to operate treatment, storage and disposal facilities.

Fee Schedule

A non-refundable fee is set by the regulation for each permit application according to the following schedule:

Disposal and treatment - $1,000
Generator storage - $600
Storage other than generator - $800

The Act sets maximum operator permit and permit renewal fees at $1000. The fee schedule is to be established by the Bureau on a sliding scale based on the cost of processing applications. The term of the permit is 5 years.

The Act sets a transporter permit application fee of $50 per year.

Impact/Intent for State Financing

Operator permit fees shall be used by the Bureau for review of applications.

Transporter permit fees shall be used in processing transporter permit applications.

OREGON

Authority

Statute: Oregon Revised Statutes, Chapter 459, Solid Waste Control.

Regulation: Oregon Administrative Rules, Department of Environmental Quality, Chapter 340, Division 62, Procedures for Licensing Hazardous Waste Management Facilities.

Government Entity Implementing the Program

Department of Environmental Quality.

Description of User Fee

The law and regulation require that a non-refundable fee be paid for each hazardous waste disposal site and a fee based on amounts disposed at the disposal site. While a license is requied for a "collection site" and for a "treatment site" there is no user fee for them. Nor is there any fee applicable to a generator who treats or disposes of hazardous wastes on-site.

Fee Schedule

The hazardous waste disposal fee is $5,000.

A compliance monitoring fee for storage and treatment facilities will be implemented July 1, 1983.

Impact/Intent for State Financing

The non-refundable $5,000 fee for disposal sites is for administrative expenses of the Department.

PUERTO RICO

Authority

Statute: Solid Waste Management Authority Act, No. 70.

Regulations: Puerto Rico Hazardous and NonHazardous Solid Waste Regulations, Part X, Rule 1001, 1002.

Government Entity Implementing Program

Environmental Quality Board

Description of User Fee

Fees are established for permit applications, renewals and modifications. In addition construction, and operation permits and ownership transfers are subject to fees.

Fee Schedule

1. Filing Fee - $15.00

2. Permit Fee - Note: Permits for both construction and operation are assessed at 1.5 times the schedule below.

   Renewal fees are 65% of the applicable schedule.

Schedule I: Land Disposal Facilities (landfill, landtreatment and waste piles)

Site Size	Hazardous Waste Fee
up to 20 acres	$100.00
from 20 to 60 acres	200.00
from 60 to 100 acres	250.00
from 100 to 200 acres	300.00
additional 200 acres or fraction	150.00

Schedule II: Storage tanks, surface impoundments:

Capacity in gallons	
up to and excluding 4,000 gallons	$100.00
from 4,001 to 10,000	150.00
from 10,001 to 40,000	200.00
from 40,001 to 100,000	250.00
from 100,001 to 500,000	300.00
from 500,001, to 1,000,000	400.00
from 1,000,001 to 1,500,000	450.00
from 1,500,001 to 2,000,000	500.00
additional 500,000 or fraction	100.00

Schedule III: Processing and Treatment Facilities.

- Incinerators, Thermal Treatment, Pyrolysis Plants. Any equipment defined as an incinerator, thermal treatment or pyrolysis plant and used primarily to dispose or treat combustible solid or hazardous waste by wholly consuming the materials charged, leaving only ashes or residues, shall be assessed a permit fee based on the following schedule:

Type	Hazardous Solid Waste
On-site	$100.00
Central Plants	250.00

- Treatment Facilities for Hazardous Solid Wastes (Biological, Physical or Chemical Treatment).

Type	Permit Fee
On-site	$100.00
Central Facility	250.00

Schedule IV: Collection and Transportation Services for Solid Waste and Hazardous Solid Wastes.

Type	Permit Fee
Collection Services	$100.00
Transporter of Hazardous Solid Waste	250.00

Schedule V: Miscellaneous.

Any solid or hazardous waste treatment, storage or disposal facility which could not be assessed by any of the preceding schedules shall be assessed a permit fee of $250.00.

3. Fees for Transfers of Ownership or Change of Location: ½ of applicable schedule.

4. Fees for Duplicate Permits: $10.00

5. Fees for Revisions: 1/8 of the applicable schedule.

6. Test Fees: Owner or operator must pay for the costs of compliance monitoring testing as required..

Impact/Intent for State Financing

The fees pay for the costs of the associated services.

RHODE ISLAND

Authority

Statute: Rhode Island General Laws, Title 23, Health and Safety, Chapter 19.1 - Hazardous Waste Management.

Regulation: Rhode Island Hazardous Waste Rules and Regulations.

Government Entity Implementing the Program

Department of Environmental Management

Description of User Fee

The Act authorizes the Director of the Department to establish application and renewal fees for permits (not to exceed 5 years) for treatment, storage, disposal facilities and for permits (not to exceed one year) for transportation of hazardous wastes.

Fee Schedule

The fees established by the Director are $25 per vehicle and $1,000 per hazardous waste management facility. Fee payment is to the Department. Other expenses incurred in processing the permit will be charged the applicant as determined by the Director not to exceed $10,000 per facility per year.

Impact/Intent for State Financing

The permit fees shall pay the expenses reasonably incurred by the Department for supplies, personnel, travel and other outlays in connection with processing and issuing the permit.

TENNESSEE

Authority

Statute: "Tennessee Hazardous Waste Management Act," Tennessee Code, Title 53, Health and Safety, Chapter 63 - Hazardous Waste Management (TCA 53-6301 et. seq.)

Regulation: Regulations do not mention user fees. (Tenn. Dept. of Public Health, Division of Solid Waste Management Rules, Chapter 1200 - Hazardous Waste Management.)

Government Entity Implementing the Program

Division of Solid Waste Management
Bureau of Environmental Health Science
Tennessee Department of Public Health

Description of User Fee

There are three (3) kinds of fees:

(1) Application fees for permits to transport store, treat or dispose of hazardous waste
(2) Annual maintenance fees from permitted transporters, storers, treaters, and disposers, and
(3) Annual maintenance fees from generators who ship hazardous waste off-site for storage, treatment or disposal.

Fee Schedule

The Act establishes maximum and minimum amounts and tasks a board to establish a fee schedule. The State is in the process of developing a fee system similar to the Arkansas system. An earlier tonnage fee that assessed only commercial sites has been dropped.

The maximum amount of the permit application fee for storers, treaters, or disposers shall not exeed $5,000.00 and for transporters shall not exceed $100.00.

The maximum amount of the maintenance fees collected annually from any permitted hazardous waste storage, treatment, or disposal facility shall not exceed $10,000.00 and from any permitted transporters shall not exceed $1,000.00. The minimum amount of the maintenance fee collected annually from any permitted facility shall not be less than $100.00. The annual maintenance fee collected from any permitted transporter shall not be less than $25.00 and the amount shall be based on the quantity of hazardous waste tranported.

The maintenance fee collected annually from generators who ship hazardous waste off-site for storage, treatment, or disposal shall not exceed $100.00 per generator.

Tennessee (Continued)

Impact/Intent for State Financing

Expenditure of fees collected shall be restricted to operation of the hazardous waste management program established pursuant to this Chapter 63.

WEST VIRGINIA

Authority

Statute: West Virgnia Code, Chapter 20, Natural Resources, Article 5E - Hazardous Waste Management Act.

Regulation: West Virginia Regulations Chapter 20 -5E

Government Entity Implementing the Program

Department of Natural Resources

Description of User Fee

See Fee Schedule

Fee Schedule

For hazardous waste management facilities the schedule is:

(1)	Commercial Facility		
	Initial Permit $10,000,	Ten (10) year renewal	$5,000
		Annual evaluation	1,000
(2)	Major Facility		
	Initial Permit $5,000,	Ten (10) year renewal	1,000
		Annual evaluation	500
(3)	Minor Facility		
	Initial Permit $1,000,	Ten (10) year renewal	500
		Annual evaluation	100

Impact/Intent for State Financing

All permit application fees will be paid into the state treasury into "The Hazardous Waste Management Fund" which is used to help defray the cost of administering the Act.

APPENDIX E

STATE SOLID AND HAZARDOUS WASTE AGENCIES

SW - 393

STATE SOLID AND HAZARDOUS WASTE AGENCIES
Environmental Protection Agency
Office of Solid Waste
May 1982

ALABAMA

Alfred S. Chipley, Director
Division of Solid Waste Management
Department of Public Services
434 Monroe Street
Montgomery, Alabama 36130

CML (205) 832-6728

ALASKA

Stan Hungerford
Air & Solid Waste Management
Dept of Environmental Conservation
Pouch O
Juneau, Alaska 99811

Seattle FTS Operator 399-0150
CML (907) 465-2635

AMERICAN SAMOA

Pati Faiai, Executive Secretary
Environmental Quality Commission
American Samoa Government
Pago Pago, American Samoa 96799

Overseas Opeartor

(Commercial Call 633-4116)

Randy Morris, Deputy Director
Department of Public Works
Pago Pago, American Samoa 96799

ARIZONA

Barry Abbott, Director
Department of Health Services
State Health Building, Room 202
1740 West Adams St.
Phoenix, Arizona 85007

FTS 8-765-1130
CML (602) 255-1162

ARKANSAS

Jarrell Southall, Director
Department of Pollution
Control and Ecology
P.O. Box 9583
8001 National Dr.
Little Rock, Arkansas 72219

CML (501) 562-7444

Ed Davis, Energy Administrator
Biomass and Resource Recovery
Program
Department of Energy
Number 1 State Capitol Mall
Little Rock, Arkansas 72201

CML (501) 371-1370

CALIFORNIA

Peter Rogers, Acting Chief
Hazardous Waste Management Branch
Department of Health Services
744 P Street
Sacramento, California 95814

FTS 8-552-2308
CML (916) 322-2308

COLORADO

Kenneth Waesche, Director
Waste Management Division
Colorado Department of Health
4210 E. 11th Ave.
Denver, Colorado 80220

CML (303) 320-8333

Orville Stoddard, Deputy Director
Waste Management Division
Colorado Department of Health
4210 East 11th Ave.
Denver, Colorado 80220

CML (303) 320-8333

COMMONWEALTH OF NORTH MARIANA ISLANDS

George Chan, Administrator
Division of Environmental Quality
Department of Public Health and
Environmental Services
Commonwealth of the North
Mariana Islands
Saipan, Mariana Islands 96950

Overseas Operator: 6984
Cable address: GOV. NMI Saipen

CONNECTICUT

Charles Kurker, Director
Solid Waste Management Unit
Department of Environmental Protection
State Office Building
165 Capitol Ave.
Hartford, Connecticut 06115

FTS 8-641-5712
CML (203) 566-5712

Stephen Hitchcock, Director
Hazardous Materials Management Unit
Department of Environmental Protection
State Office Building
165 Capitol Ave.
Hartford, Connecticut 06106

FTS 8-641-5712
CML (203) 566-5712

Patrick Bowe, Acting Chief
Hazardous Waste Section
Department of Environment Protection
State Office Building
165 Capitol Ave.
Hartford, Connecticut 06106

FTS 8-641-5869 or 5712
CML (203) 566-5712

Michael Cawley
Connecticut Resource Recovery
Authority
179 Allyn St. Suite 603
Professional Building
Hartford, Connecticut 06103

CML (203) 549-6390

DELAWARE

Kenneth R. Weiss, Supervisor/
Resource Engineer
Solid Waste Management Section
Department of Natural Resources
and Environmental Control
Edward Tatnall Building
P.O. Box 14011. Room 203
Blue Hen Mall
Dover, Delaware 19901

CML (302) 736-4781

DISTRICT OF COLUMBIA

Angelos Tompros, Chief
Division of Pesticides and
Hazardous Materials
Department of Environmental Sciences
5000 Overlook Avenue, S.W.
Washington, D.C. 20032

CML (202) 767-8181

FLORIDA

Robert W. McVety, Administrator
Solid Waste Section
Department of Environmental
Regulations
Twin Towers Office Building,
Room 421
2600 Blair Stone Rd.
Tallahassee, Florida 32301

CML (904) 488-0300

GEORGIA

Moses N. McCall, III, Chief
Land Protection Branch
Environmental Protection Division
Department of Natural Resources
270 Washington St. S.W., Room 822
Atlanta, Georgia 30334

CML (404) 656-2833

GUAM

James Branch, Deputy Administrator
EPA, Government of Guam
P.O. Box 2999
Agana, Guam 96910

Overseas Operator
(Commercial Call 646-8863)

HAWAII

Melvin Koizumi, Deputy Director
Environmental Health Division
Department of Health
P.O. Box 3378
Honolulu, Hawaii 96801

California FTS Operator
8-556-0220
CML (808) 548-4139

Ralph Yukumoto
Environmental Health Division
Department of Health
P.O. Box 3378
Honolulu, Hawaii 96801

California FTS Operator
8-556-0220
CML (808) 548-6410

IDAHO

Robert Olson, Supervisor
Hazardous Materials Bureau
Department of Health and Welfare
State House
Boise, Idaho 83720

FTS 554-4064
CML (208) 334-4064

ILLINOIS

Robert Kuykendall, Director
Division of Land and Noise
Pollution Control
Environmental Protection Agency
2200 Churchill Rd. Room A-104
Springfield, Illinois 62706

CML (217) 782-6760
FTS 8-956-6760

INDIANA

David Lamm, Director,
Land Pollution Control Division
State Board of Health
1330 West Michigan St. Room A-304
Indianapolis, Indiana 46206

CML (317) 633-0194

IOWA

Charles C. Miller, Director
Air and Land Quality Division
Department of Environmental
Quality
Henry A. Wallace Building
900 East Grand Street, 3rd floor
Des Moines, Iowa 50319

FTS 8-841-8853
CML (515) 281-8853

KANSAS

Howard Duncan, Director
Bureau of Environmental
San.
Department of Health and Environment
Forbes Field, Building 321
Topeka, Kansas 66620

CML (913) 862-9360, Ext. 290

KENTUCKY

Alex Barber, Director
Division of Waste Management
Bureau of Environmental Protection
Department for Natural Resources and
Environmental Protection
18 Reilly Rd.
Frankfort, Kentucy 40601

FTS 8-351-6716
CML (502) 564-6716

LOUISIANA

John Koury, Administrator,
Solid Waste Division
Department of Natural Resources
P.O. Box 44396
Baton Rouge, Louisiana 70804

CML (504) 342-1227

Gerald D. Healy, Jr., Administrator
Hazardous Waste Division
Department of Natural Resources
P.O. Box 44066
Baton Rouge, Louisiana 70804

FTS 8-687-0468
CML (504) 342-1227

MAINE

Steve Groves, Acting Chief
Bureau of Oil and Hazardous
Waste Materials
Dept. of Environmental Protection
State House — Station 17
Augusta, Maine 04333

FTS 8-868-2111
CML (207) 289-2111

Jack Krueger, Director
Licensing and Enforcement Division
Bureau of Oil and Haz. Waste Materials
Dept. of Environmental Protection
State House--Station 17
Augusta, Maine 04333

FTS 8-868-2591
CML (207) 289-2251

MARYLAND

Bernard Bigham
Waste Management Administration
Department of Health and
Mental Hygiene
201 W. Preston Street, Room 212
Baltimore, Maryland 21201

CML (301) 383-5740

Fred Sachs, Chief
Hazardous Waste Division
Waste Management Administration
Dept. of Health & Mental Hygiene
201 W. Preston Street
Baltimore, M.D. 21201

(301) 383-5743

Ronald Nelson, Director
Waste Management Administration
Office of Environmental Programs
Dept. of Health & Mental Hygiene
201 West Preston Street
Room 212
Baltimore, Maryland 21201

CML (301) 383-3123

MASSACHUSETTS

John Shortsleeve, Director
Bureau of Solid Waste Disposal
Dept. of Environmental Management
Room 1905
Leverett Saltonstall Building
100 Cambridge Street
Boston, Massachusetts 02202

CML (617) 727-4293

(Solid & Hazardous Waste Regulatory)
William Cass, Director
Division of Hazardous Waste
Department of Environmental Quality
Engineering
1 Winter Street
Boston, Massachusetts 02110

CML (617) 292-5500

MICHIGAN

Gary Guenther, P.E., Chief
Environmental Protection Bureau
Department of Natural Resources
Box 30028
Lansing, Michigan 48909

FTS 8-253-7919
CML (517) 373-7917

Fred Kellow, Division Chief
Resource Recovery Division
Department of Natural Resources
Westland Plaza
Lansing, Michigan 48909

CML (517) 373-0540

Allan Howard, Chief
Office of Hazardous Waste Management
Environmental Services Division
Department of Natural Resources
Box 30028
Lansing, Michigan 48909

FTS 8-253-2730
CML (517) 373-2730

(Hazardous Waste, Liquid)
David Dennis, Chief
Oil & Hazardous Materials
Control Section
Water Quality Division
Dept. of Natural Resources
Box 30028
Lansing, Michigan 48909

CML (517) 373-2794

(Hazardous Waste, Toxic or
Critical Materials)
Delbert Rector, Chief
Environmental Services Division
Dept. of Natural Resources
Box 30028
Lansing, Michigan 48909

FTS 8-253-3560
CML (517) 373-3560

John L. Hesse, Chief
Chemicals and Health Center
Michigan Dept. of Public Health
Box 30035
Lansing, Michigan 48909

CML (517) 373-8050

MINNESOTA

Dale L. Wikre, Director
Solid and Hazardous Waste Division
Pollution Control Agency
1935 West County Rd. B-2
Roseville, Minnesota 55113

CML (612) 297-2735

MISSISSIPPI

Jack M. McMillan, Director
Division of Solid and Hazardous
Waste Management
Bureau of Pollution Control
Department of Natural Resources
P.O. Box 10385
Jackson, Mississppi 39209

CML (601) 961-5171

MISSOURI

Dave Bedan, Ph. D.
Director, Waste Management
Program
Department of Natural Resources
State Office Building
P.O. Box 1368
Jefferson City, MO 65102

CML (314) 751-3241

MONTANA

Duane L. Robertson, Chief
Solid Waste Management Bureau
Dept. of Health and Environmental
Sciences
Cogswell Bldg., Room A201
Helena, Montana 59602

FTS 8-587-2821
CML (406) 449-2821

NEBRASKA

Robert Wall, Chief
Water and Waste Management Division
Department of Environmental Control
State House Station
P.O. Box 94877
Lincoln, Nebraska 68509

FTS 8-541-2148
CML (402) 471-2186

NEVADA

Lewis H. Dodgion, Administrator
Division of Environmental Protection
Department of Conservation and Natural
Resources
Capitol Complex
Carson City, Nevada 87901

FTS 8-470-5911
CML (702) 885-4670

Verne Rosse
Waste Management Program Director
Division of Environmental Protection
Dept. of Conservation and
Natural Resources
Capitol Complex
Carson City, Nevada 89701

CML (702) 885-4670

NEW HAMPSHIRE

Tom Sweeney, Chief
Bureau of Solid Waste
Department of Health and Welfare
Health and Welfare Building
Hazen Drive
Concord, New Hampshire 03301

CML (603) 271-4608

NEW JERSEY

Lino F. Pereira, Director
Solid Waste Administration
Division of Environmental Quality
Department of Environmental Protection
32 E. Hanover Street
Trenton, New Jersey 08625

FTS 8-567-9877
CML (609) 292-9877

NEW MEXICO

Jon Thompson, Chief
Community Support Services
Bureau
Environmental Improvement Division
N.M. Health & Environment Department
P.O. Box 968
Santa Fe, New Mexico 87504

FTS 8-476-5271 Ext. 282
CML (505) 457-5271 Ext. 282

Ray Sisneros, Program Manager
PEM Section, Community Services Bureau
Environmental Improvement Division
N.M. Health and Environment Department
P.O. Box 968
Santa Fe, New Mexico 87504

FTS 8-476-5271 Ext. 272
CML (505) 827-5271 Ext. 272

NEW YORK

Norman H. Nosenchuck, Director
Division of Solid Waste
Department of Environmental
Conservation
50 Wolf Rd., Room 209
Albany, New York 12233

FTS 8-567-3254
CML (518) 467-3254

NORTH CAROLINA

O.W. Strickland, Head
Solid & Hazardous Waste Management
Branch
Division of Health Services
Department of Human Resources
P.O. Box 2091
Raleigh, North Carolina 27602

CML (919) 733-2178

NORTH DAKOTA

Jay Crawford, Director
Division of Environmental Waste Management
and Research
Department of Health
1200 Missouri Ave., 3rd floor
Bismarck, North Dakota 58505

CML (701) 224-2366

OHIO

Donald E. Day, Chief
Office of Land Pollution Control
Environmental Protection Agency
P.O. Box 1049
Columbus, Ohio 43216

FTS 8-942-8934
CML (614) 466-8934

Chuck Wilheim, Chief
Office of Hazardous Material Mgmt.
Ohio EPA
P.O. Box 1049
Columbus, OH 43216

FTS 8-942-7220
CML (614) 466-7220

OKLAHOMA

H.A. Caves, Chief
Industrial and Solid Waste
Services
Department of Health
P.O. Box 53551
1000 N.E. 10th St., Room 803
Oklahoma City, Ok. 73152

CML (405) 271-5338

OREGON

Ernest A. Schmidt, Administration
Solid Waste Management
Division
Department of Environmental
Quality
P.O. Box 1760
522 S.W. Fifth Ave.
Portland, Oregon 97207

FTS 8-424-5913
CML (503) 229-5913

PENNSYLVANIA

Donald A. Lazarchik
Bureau of Solid Waste Management
Department of Environmental
Resources
Fulton Building - 8th floor
P.O. Box 2063
Harrisburg, PA 17120

FTS 8-637-9870
CML (717) 787-7383

PUERTO RICO

Luis de la Cruz, Director
Solid, Toxics, & Hazardous
Waste Program
Environmental Quality Board
P.O. Box 11488
Santurce, Puerto Rico 00910

D.C. FTS Operator 472-6620
CML (809) 725-8992

RHODE ISLAND

John S. Quinn, Jr., Chief
Solid Waste Management Program
Dept. of Environmental Management
204 Cannon Building
75 Davis St.
Providence, Rhode Island 02908

FTS 8-277-2797
CML (401) 277-2797

SOUTH CAROLINA

Hartsill W. Truesdale, Director
Bureau of Solid and Hazardous
Waste Management
Dept. of Health and Environmental
Control
J. Marion Simms Building
2600 Bull St.
Columbia, South Carolina 29201

CML (803) 758-5681

Robert E. Malpass, Chief
Bureau of Solid and Hazardous
Waste Management
S.C. Dept of Health and Environmental
Control
J. Marion Simms Building
2600 Bull St.
Columbia, South Carolina 29201

CML (803) 758-5681

SOUTH DAKOTA

Joel C. Smith, Director
Division of Environmental
Health
Department of Health
Joe Foss Building
Pierre, South Dakota 57501

CML (605) 773-3329

TENNESSEE

Tom Tiesler, Director
Division of Solid Waste Management
Bureau of Environmental
Services
Tennessee Department of Public Health
150 9th Ave, North
Nashville, Tennessee 37203

FTS 8-853-3424
CML (615) 741-3424

TEXAS

Jack Carmichael, Director
Bureau of Solid Waste Management
Texas Department of Health
1100 West 49th Street, T-602
Austin, Texas 78756

CML (512) 458-7271

Jay Snow, Chief
Industrial Solid Waste Section
Texas Department of Water Resources
1700 North Congress,
Room 237-1
P.O. Box 13087, Capitol Station
Austin, Texas 78711

CML (512) 475-2041

UTAH

Dale Parker, Director
Bureau of Solid and Hazardous
Waste Management
Department of Health
P.O. Box 2500
150 West North Temple
Salt Lake City, Utah 84110

CML (801) 533-4145

VERMONT

Richard A. Valentinetti, Chief
Air and Solid Waste Programs
Agency of Environmental Conservation
State Office Building
P.O. Box 489
Montpelier, Vermont 05602

FTS 8-832-3395
CML (802) 828-3395

VIRGIN ISLANDS

Francine Lang, Director
Division of Natural Resources
Management
Department of Conservation and
Cultural Affairs
P.O. Box 4340, Charlotte Amalie
St. Thomas, Virgin Islands 00801

D.C. Overseas Operator 472-6620
CML (809) 774-6420

VIRGINIA

William F. Gilley, Director
Division of Solid and Hazardous
Waste Management
Virginia Department of Health
Madison Building
109 Governor St.
Richmond, Virginia 23219

FTS 8-936-5271
CML (804) 786-5271

WASHINGTON

Earl Tower, Supervisor
Solid Waste Mgmt. Division
Department of Ecololgy
Olympia, Washington 98504

FTS 8-459-6317
CML (206) 753-6317

WEST VIRGINIA

John Northeimer
Division of Natural Resources
Dept. of Natural Resources
1201 Greenbrier Street
East Charleston, West Virginia 25311

CML (304) 348-5935

WISCONSIN

Robert Krill, Director
Bureau of Solid Waste Management
Dept. of Natural Resources
P.O. Box 7921
Madison, Wisconsin 53707

FTS 8-366-1327
CML (608) 266-1327

WYOMING

Charles Porter, Supervisor
Solid Waste Management Program
Dept of Environmental Quality
Equality State Bank Building
401 West 19th St.
Cheyenne, Wyoming 82002

FTS 8-328-7752
CML (307) 777-7752